California's "1879 Constitution" created administrative law separate from constitutional law established by the 1849 Constitution, which remains in effect

"**Time cannot render valid an act void in its origin**." – Maxim of Law

Recently examined was a document titled "Fraudulent Adoption of the 1879 Constitution of California", part of court records of a lawsuit against the Church of Scientology from 1997 (Exhibit 1). The document references "Exhibit B" as being the key evidence for "fraudulent adoption" of the Constitution with this paragraph:

> It is a fact that "citizens of California" were never authorized to vote for the "adoption" of the 1879 quasi/constitution. Only "citizens of the United States" were authorized to vote for the 1879 quasi/constitution see Exhibit B. Note that "exhibit B" acknowledged that it is was a revision of "exhibit A". The express statement of "citizen of California" was purposefully removed by "revision" in the creating of the quasi/constitution of 1879.

Unfortunately, Exhibit B is missing from the 5-page referenced document; however, it was logically deduced to be the records of the drafting of the "quasi/constitution of 1879", which were found at http://www.sos.ca.gov/archives/collections/constitutions/1879/. This link provides access to pdf files were perusing began with "Inventory of the Working Papers of the 1878-1879 Constitutional Convention" (Exhibit 2), listed on the web page as "Finding Aid (PDF)".

On page 11, a parenthetical remark in the 2nd full paragraph states "the legislature did not convene that year", referring to 1878, because all legislators were occupied from October 1878 until April 1879 writing the new constitution. So that answered a question "where is the missing volume for the 1878 California Statutes at Large?" There aren't any statutes for 1878 because there was no legislative session that year.

So what and where is the evidence in "Exhibit B"?

Above "Finding Aid (PDF)" on the referenced web page is "User's Guide (Read Me First)" ; clicking on it opens a new window: "User's Guide – 1878–1879 Constitutional Convention Working Papers", which has 3 html links for 'Volumes 1, 2, & 3'. These volumes are titled "Debates and proceedings of the Constitutional convention of the state of California, convened at the city of Sacramento, Saturday, September 28, 1878"

Near the end of Volume 3, on page 1414 under the heading "Section 2, Circulation of the Constitution" are two paragraphs: 1) a committee's proposed wording for circulating the constitution in the state for ratification and 2) a proposed change specifying that copies of the constitution are to be sent to "registered voters" (Exhibit 3). At the end of the proceedings of Section 2 (at the top of page 1415) the record states "The amendment was adopted" and "The amendment of the committee, as amended, was concurred in".

Three other documents in the California Archives for the 1879 Constitutional Convention: Minutes (file number F3956-269), Printer's draft of Articles (F3956-174), and "Proposed Amendments and Articles" (F3956-154) show the amendment in the Schedule for ratification of the new Constitution verbatim as follows:

> "Sec. 7, Every citizen of the United States, entitled by law to vote for members of the Assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution."

However, Article X of California's 1849 Constitution states "if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the legislature, voting thereon, such amendment or amendments, shall become part of the Constitution" (Exhibit 4). There were only 3 amendments made to the 1849 Constitution (Exhibit 5). An 1856 Amendment states that amendments "shall be submitted to the people" … "for their ratification or rejection." An 1862 Amendment refers to "qualified electors" [an undefined term]. But there was no amendment to the 1849 Constitution providing that amendments, revision or changes to the Constitution should be ratified by "registered voters".

A search for "voter registration in California" led to a March 19, 1866 legislative act titled as follows: "An Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise." (Exhibit 6)

This act, with numerous references to terms such as "Great Register", "registered" "registration", "residing", "resident", "residence", "person", "persons", and "U.S. citizen", at Section 27 stipulates that "registration in the Great Register" … "is sufficient evidence that the person registered was, at the time of registration, a citizen of the United States, domiciled in the county." This fits the statement relating to "Exhibit B" that "Only "citizens of the United States" were authorized to vote for the 1879 quasi/constitution"

However, California's 1866 voter registration act was 2 years before the 14th Amendment that defined the term "citizen of the United States" as "all persons born or naturalized in the United States, and subject to the jurisdiction thereof" i.e. federal citizens domiciled in the D.C. Therefore, was the use of the term in California's 1866 Voter Registration Act the same as the 14th amendment definition, or was the term intended to be 'one of the United states', the implied meaning for "United States" in the 13th Amendment (1865): "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to *their* jurisdiction" [italics added].

The answer is: it does not matter. There was no amendment to California's 1849 constitution to change ratification from 'the people' to 'citizens of the United States' regardless of what definition was intended. Furthermore, California's 1849 constitution was not repealed or replaced and the so-called 1879 California constitution has no enabling act. California legislators merely presented a new constitution in 1880 without due process.

Each annual volume of the California Statutes at Large, starting with 1850, begins with the 1849 Constitution. The 1877-78 California Statutes begin with the 1849 Constitution and the 1880 Statutes begin with the 1879 Constitution. There is no act in the statutes for repealing the 1849 Constitution and no enabling act for the completely revised 1879 Constitution. The same preamble for the 1849 Constitution (Exhibit 7) precedes the 1879 Constitution (Exhibit 8). Therefore, the 1879 Constitution preamble is deceptive:

> "ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-NINE; RATIFIED BY A VOTE OF THE PEOPLE ON WEDNESDAY, MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY-NINE."

The above statement does not state "ratified by a vote of the registered voters" or "ratified by a vote of the citizens of the United States in California", it says "ratified by a vote of the people". However the convention committee decision to send ballots to registered voters means that the 1879 Constitution was ratified by "citizens of the United States", not the people.

Since the 1849 Constitution was submitted to the U.S. Congress prior to California being offered entry into the United States (Exhibit 9), it seems logical that the completely re-written 1879 California Constitution would similarly be required to be ratified by Congress. But that didn't occur. Also, one would expect to find an act of the legislature or a statement in the new constitution that it replaces the old constitution, but neither of those can be found, either.

Therefore, reasonable conclusions from the above findings are the following:

1. The 1879 California constitution was not lawfully ratified in accord with the 1849 Constitution, i.e. ratified by the people.

2. The 1849 California Constitution remains in effect.

3. The 1879 constitution created a new form of law –administrative law[1] – separate from the *de jure* law established by the 1849 Constitution.

4. The 1879 constitution, along with its amendments and revisions currently in effect as California codes is voluntarily acquiesced to by anyone entering into the jurisdiction of said codes via contract, or request for benefit or privilege.[2]

5. What the state purports to be the current Constitution –California Code– is not law because codes do not have enabling acts and codes do not apply to anyone who has no contract with the *de facto* State Government[3].

---

[1] The 1879 constitution constructs a private system of legislative administration for newly created 14th Amendment (2nd class) "citizens of the United States" through un-enabled statutes, revised statutes, and codes, separate from the law that applies to the people. People requesting benefits or privileges from the government, commercial, or banking systems (for example credit, insurance, bank account, or registering to vote) voluntarily and unknowingly acquiesce to and take on the label of "citizens of the United States", a fictitious entity domiciled in Washington, D.C. written in all capital letters. Scripture says come out from evil Babylon conspiracies and be separate in yahuwah's kingdom.

[2] "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them." - S.C.R. 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1 L.Ed. 57; 3 Dall. 54).

[3] CALIFORNIA CIVIL CODE §1708. Every person is bound, without contract, to abstain from injuring the person or property of another, or infringing upon any of his or her rights.

Exhibit 1

ORIGINAL FILED JULY 29 1997 LOS ANGELES SUPERIOR COURT

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Stephen Mitchell, Lisa Jan Precious, Kathleen Carey
In propria persona [NOT PRO SE]

In the superior court[1] for Los Angeles county, California

_____

FOOTNOTE 1: Concurrent with and equivalent to the district court as created in the Constitution of the State of California of 1849, and the seventeenth judicial dietrict, see Stats 1872, ch. CXIV, p. 116

Stephen Mitchell; Lisa Jan Precious; Kathleen Carey
Plaintiffs/Demandants,

vs.

DAVID MISCAVIGE, a person, in the capacity as Chairman of the Board of the Religious Technology Center and Inspector General of the Church of Scientology
MIKE RINDER, a person, in the capacity as head of the Office of Special Affairs International
JOHN/JANE DOE #1, a person, in the capacity as head of the L. Ron Hubbard Library
JOHN/JANE DOE, #2-99
Defendants/Respondents,

Case No. BC175367
Affidavit of Truth in Support of
Verified Complaint for Libel

The 1879 quasi-constitution has no lawful effect due to the following:

1. It is a fact that the "citizens of California" were expressly authorized to vote for the adoption of the Constitution for the State of California of 1849, see exhibit A.

2. It is a fact that "citizens of California" were **never authorized to vote** for the "adoption" of the 1879 quasi/constitution. Only "citizens of the United States" were authorized to vote for the 1879 quasi/constitution see Exhibit B. Note that "exhibit B" acknowledged that is was a revision of "exhibit A". The express statement of **"citizen of California" was purposefully removed by "revision**" in the creating of the quasi/constitution of 1879.

3. This revision hereinabove shown where "citizen of California" was removed, is especially notable when it is taken into consideration that another section from the 1849 Constitution, specifically Article XI, Section 2, see Exhibit C, remained unchanged when placed in the 1879 quasi/constitution at Article XX, Section 2, see Exhibit D, and specifically acknowledged the "citizen of this state". It is clear that the "citizen of this state", i.e. the "citizen of California", is **acknowledged** in, but **not authorized to vote** for the adoption of, the quasi/constitution of 1879.

4. It is indisputable that in the time frame of the 1870's, that it is defined in decisional law that a "citizen of the United States" as created under the Fourteenth Amendment to the federal constitution was specifically nothing more than one of the "freed slaves" (or their offspring) after the Civil War. See Cory v. Carter, 48 Ind. 327, 349 [1874] see Exhibit E, and Van Valkenburg v. Brown, 43 Cal. 43, 47 [1872] see Exhibit F.

5. It is clearly documented that the effective date of the quasi/constitution was repealed November 8, 1960.

6. Virtually the entire quasi/constitution of 1879 was repealed and replaced from 1949 through 1976 **without any lawful authority**. The Plaintiff can find no source of any lawful authority to "repeal", whether it be in the quasi/constitution of 1879 or the organic Constitution for the State of California of 1849.

7. There is a fundamental, indisputable difference between the act of "amending" and the act of "repealing".

7a. Amend. To Improve. To change for the better by removing defects or faults. To change, correct, revise. Black's Law Dictionary, 6th Edition.

7b. Repeal. The abrogation or annulling of a previously existing law ... . To revoke, abolish, annul, to rescind, or abrogate by authority. Black's Law Dictionary, 6th Edition.

8. The following is a listing of the great majority of repealing that took place which was beyond any authority to "amend" or "revise" if the quasi/constitution of 1879 was actually lawfully in effect.

9. In addition the fact presented hereinabove concerning the specific and limited authorization to vote for the adoption of the quasi/constitution of 1879, the fact of the "repealing" is hereby submitted as evidence that the quasi/constitution of 1879 was not, is not, and cannot have any lawful effect as the valid "Constitution for the State of California".

Article I,
Section 1-2 repealed November 5, 1974
Section 3 repealed November 7, 1972
Section 4-7 repealed November 5, 1974
Section 8 - repealed November 8, 1966
Section 9-24 repealed November 5, 1974
Section 26a - repealed November 8, 1949
Article II, repealed November 7, 1972
Article III, repealed November 7, 1972
Article IV, Section 1 repealed November 8, 1966
Section lb-5 repealed November 8, 1966
Section 7-21 repealed November 8, 1966
Section 22a repealed November 8, 1966
Section 23a repealed November 8, 1966
Section 25a repealed November 8, 1966
Section 25 1/2 repealed November 8, 1966
Section 25.7 repealed November 8, 1966
Section 28 repealed June 8, 1976
Section 31d-38 repealed November 8, 1966
Article V repealed November 8, 1966
Article VI repealed November 8, 1966
Article VII repealed November 8, 1966
Article VIII repealed November 8, 1966
Article IX, Section 4 repealed November 4, 1963
Section 4 repealed November 4, 1963
Section 10-13 repealed November 5, 1974
Section 15 repealed November 5, 1974
Article X, repealed November 7, 1972
Article XI, repealed June 2, 1970
Article XII, repealed November 5, 1974
Article XIII, repealed November 5, 1974
Article XIV, repealed June 8, 1976
Article XV, repealed June 8, 1976
Article XV, Section 2-9, repealed November 6, 1962
Section 12, repealed November 6, 1962
Section 15-21, repealed November 6, 1962
Article XVII repealed June 8, 1976
Article XVIII repealed November 3, 1970
Article XIX repealed November 4, 1952
Article XX, Section 1 repealed November 7, 1972

Section 2 repealed November 3, 1970
Section 3.5 repealed November 3, 1970
Section 4 repealed November 3, 1970
Section 5 repealed June 8, 1976
Section 9 repealed November 3, 1970
Section 10, 11 repealed June 8, 1976
Section 12 - 14 repealed November 3, 1970
Section 15 repealed June 8, 1976
Section 16 repealed November 7, 1972
Section 17-17 1/2 repealed November 3, 1970
Section 19 - 21 repealed June 8, 1976
Article XXI, repealed November 7, 1972
(note that an "new Article III, section 2, acknowledged the existence of the 1849 Constitution as the authority for the statement of the boundaries of California.)
Article XXII,
Section 3, repealed November 8, 1960
Section 4, repealed November 8, 1949
Section 5, repealed November 8, 1949
Section 7, repealed November 8, 1949
Section 8, repealed November 8, 1949
Section 9, repealed November 8, 1949
Section 10-12, repealed November 8, 1960
Article XXII (totally) repealed June 6, 1972
Article XXIII, repealed June 8, 1976
Article XXIV, repealed June 8, 1976
Article XXV, repealed November 8, 1949
Article XXVII, repealed November 3, 1970
Article XXVIII, repealed November 5, 1974

10. Based on the foregoing, the Plaintiff demands and requires:

10a. This Court shall take judicial notice 'of the fact that the Constitution for the State of California of 1849 is currently valid and in effect.

10b. This Court shall take judicial notice of the fact that the quasi/constitution of 1879 amounts to nothing more than an "extension of the code" and any lawful effect that it may or may not have does not supersede the Constitution for the State of California of 1849.

We, Stephen Mitchell, Lisa Jan Precious, and Kathleen Carey, hereby swear under penalty of perjury, under the law of the Land in California, one of the United States of America, that paragraphs numbered 1 through 10 hereinabove are true and correct and so done in good faith to the best of our knowledge and belief.

Subscribed and sworn this twenty-ninth day of the seventh month, in the year A.D. nineteen hundred ninety seven.

[L.S.] (SIGNATURE: STEPHEN MITCHELL) seal
Stephen Mitchell

[L.S.] (SIGNATURE: LISA PRECIOUS) seal
Lisa Jan Precious

[L.S.] (SIGNATURE: KATHLEEN CAREY) seal
Kathleen Carey

Exhibit 2

Inventory of the Working Papers of the 1878-1879 Constitutional Convention

California State Archives
Office of the Secretary of State
Sacramento, California

Contact Information:
California State Archives
1020 O Street
Sacramento, CA 95814
Phone: (916) 653-2246
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URL: http://www.sos.ca.gov/archives/archives.htm

Processed by:	**Inventory prepared by:**	**Date completed:**
Archives staff	Pat Ooley	1993

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HISTORICAL CONTEXT AND BACKGROUND

The framers of California's first state constitution of 1849 provided for both constitutional amendment and revision in Article X of that document--"Mode of Amending and Revising the Constitution." Section one outlined the procedure for amending the constitution, and section two presented procedural guidelines for revising the entire document.[1]

According to Article X, any proposal to amend or revise the state constitution had to originate in the legislature. After a majority of both houses of two consecutive legislatures approved an amendment, it was submitted to the people for ratification. If ratified by a majority of the electors voting at the election, the amendment became part of the constitution.[2]

Any proposal to revise or change the entire constitution had to be approved by two-thirds of both houses of the legislature. After concurrence, the legislature would enact a statute "recommending" the electors to vote for or against calling a constitutional convention. If a majority of electors casting ballots voted for the convention, the legislature, during its next session, had to enact another statute that would provide for the convention. Within six months of the passage of the statute, the convention would convene. The minimum number of convention delegates had to equal the total membership of both houses of the legislature.[3]

In 1857, California voters ratified an amendment that added four sentences to Section two of Article X of the constitution. The amendment provided procedural guidelines for the remainder of the revision process. The new constitution adopted by the convention would be submitted to popular vote for ratification at a special election called for that purpose. Voters would deposit "tickets" inscribed either "For the New Constitution," or "Against the New Constitution" in the ballot box. Specifically named state officers counted and certified the election returns to the governor. If the "majority of the whole number of votes cast" were in favor of the revised document, the executive of the state then declared, by proclamation, that the revised document was the constitution of the state.[4]

It is important to note that at each election in the amendment or revision process,

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[1] J. Ross Browne, Report of the Debates in the Convention of California on the Formation of the State Constitution in September and October, 1849, reprint ed. (New York: Arno Press, 1973), Appendix, "Constitution of the State of California," p. x.

[2] Ibid.

[3] Ibid.

[4] Statutes of California, 1855, "Proposed Amendments to the Constitution," pp. 311-12.

the votes in favor of either change had to represent a majority of the total ballots cast at the election, rather than simply more yes than no votes. For example, electors voted for or against calling a convention at the same time that they voted for assembly members at general elections. An elector had the choice of voting for the convention, against the convention, or not voting at all on that issue. Prior to 1877, the legislature called the question of constitutional revision at three general elections, but a majority of voters chose not to address the question on their ballots. Although more electors voted for than against the convention, the affirmative votes did not constitute a majority of votes actually cast. The call to revise the constitution was repeatedly defeated.[5]

On April 3, 1876, the California legislature passed An Act recommending to the electors of the state to vote for or against a Convention to revise and change the Constitution of the State (Chapter 516, Stats. 1875-76). The statute called for the electors to vote for or against a constitutional convention, "at the first general election for members of the Legislature had after the passage of this Act." In the September 5, 1877, general election, 73,460 of the 146,055 electors casting ballots voted "for the convention," 44,214 electors voted "against the convention," and 28,381 declined to address the issue on their ballots. The 73,460 votes "for the convention" represented a majority of the total ballots cast in the election.[6]

The California Legislature passed on March 30, 1878, An Act to provide for a Convention to frame a new Constitution for the State of California (Chapter 490, Stats. 1877-78). The statute called for a special election to be held on the third Wednesday in June, 1878, for the purpose of electing delegates to the convention. The act provided that a total of 152 delegates be elected, consisting of 120 delegates specifically apportioned by county, and thirty-two delegates elected "at large," eight from each congressional district. As in legislative and congressional districting, the legislature based apportionment on population.[7]

In the eighty days that passed between the passage of the act and election day (June 19, 1878), California's political parties quickly organized for the purpose of nominating delegates. While the conservative, moderate, and liberal press editorialized

---

[5] Carl Brent Swisher, Motivation and Political Technique in the California Constitutional Convention, 1878-79 (New York: Da Capo Press, 1969), p. 17. Swisher noted that in 1857, and again in 1859, more votes were cast for calling a constitutional convention then against it, but the proposition failed both times because the "for" votes did not constitute a majority of the total ballots cast. He added, "The legislature which was dominated by the independent party, in 1873-74, recommended that a convention be called, but again the project failed."

[6] Statutes of California, 1875-76, p. 791; Secretary of State, Election Papers, Statement of Vote, September 5, 1877 General Election, California State Archives, Sacramento, California.

[7] Statutes of California, 1877-78, pp. 759-65.

about candidates in their newspapers, state political conventions met in San Francisco. Local party organizations held county and municipal meetings. By June 19, six major parties were running tickets. The Non-Partisan Party consisted of a coalition of old-line Democrats and Republicans. Those delegates appearing on the straight Democratic or Republican tickets were running in opposition to the old-line Democratic and Republican parties. The Workingmen's Party of California (WPC) was a new party organized principally by Denis Kearney in San Francisco. The Anti-Kearney Workingmen represented a small faction headed by Frank Roney that had broken away from Kearney's leadership. The National Labor Party aligned itself with the socialist Workingmen's Party of the United States (not associated with the WPC).[8]

On June 19, 1878, voters elected the 152 convention delegates on two principal and two lesser political tickets. The Non-Partisan ticket supplied the convention with seventy-nine representatives, a majority. The next largest ticket, the Workingmen's Party of California, filled fifty delegate positions, most of those coming from San Francisco. Voters also elected thirteen Republicans (including two who ran as Independents), and ten Democrats from the "rebellious" straight party tickets (see chart one for a listing of all delegates).[9]

THE PROCEEDINGS

Following the procedural guidelines as outlined in the enabling act of 1878, the elected delegates met "in Convention in the Assembly Chamber at the Capitol, in the City of Sacramento, on the twenty-eighth of September, eighteen hundred and seventy-eight, at twelve o'clock M." Although the act stipulated that "no compensation shall be allowed delegates after the expiration of one hundred days," the convention lasted until March 3, 1879, 157 days. The convention actually convened a total of 127 days, working Monday through Saturday, and taking five holidays. The delegation did not meet on Sundays (a total of twenty-three days), or on Columbus Day (Saturday, October 12), Thanksgiving (Thursday, Friday, and Saturday, November 28, 29, and 30), Christmas (Wednesday, December 25), New Years (Wednesday, January 1), or on George Washington's birthday (Saturday, February 22).[10]

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[8] T. J. Vivian and D. G. Waldron, Biographical Sketches of the Delegates to the Convention to Frame a New Constitution for the State of California, 1878 (San Francisco: Francis & Valentine, 1878), p. 14.

[9] Secretary of State, Election Papers, Statement of Vote, June 19, 1878 Election, California State Archives, Sacramento, California; Vivian and Waldron, Biographical Sketches of the Delegates to the Convention, pp. 1-14; E. B. Willis and P. K. Stockton, Debates and Proceedings of the Constitutional Convention of the State of California, Convened at the city of Sacramento, Saturday, September 28, 1878, Vol. 1, (Sacramento: State Printing Office, 1881), pp. 3-4.

[10] Statutes of California, 1877-78, p. 762; Secretary of

Organization

The delegates spent the first ten days of the proceedings organizing the convention. Organization included choosing officers, filling vacancies, establishing rules and orders of business, and installing the several committees that would review and revise the constitution, article-by-article. It was during this period of organization that the two principal political factions struggled to gain authority over the proceedings. The WPC, which had been meeting in caucus prior to convening, battled with the small but politically prominent group of conservative Non-Partisans. At stake were the strategic positions of convention president and delegate seats left vacant by resignation and death.

Governor William Irwin presided over the convention until the body elected a president from its own number. For the first two days Irwin called the proceedings to order, administered oaths of office to delegates, and appointed temporary staff. Secretary of State Thomas Beck served as temporary secretary, calling the roll and reading resolutions.

On the afternoon of the second day (Monday, September 30), after heated debate and five roll-call votes, the delegation elected Non-Partisan Joseph P. Hoge president of the convention. The following day, again after five roll-call votes and much debate, the delegation elected J. A. Johnson, nominated by the Non-Partisans, secretary of the convention. After a committee of seven delegates had determined the number and compensation of officers needed, President Hoge appointed such officers as porters, pages, door-keepers, post master, and mail carrier. The delegation elected the remaining officers--president pro tem, assistant secretaries, sergeant-at-arms, assistant sergeant-at-arms, minute clerk, and journal clerk. By October 4, the Committee on Mileage and Contingent Expenses had determined the mileage and *per diem* to be allowed to each delegate, and the pay of officers.

Although the question of the necessity and compensation of a phonographic reporter (or stenographer) caused repeated debate during the convention, by the sixth day, October 4, the convention adopted resolutions providing for a written record of the debates and proceedings. The enabling act had provided for stenographers, but stated only "[t]he Convention may select Phonographic Reporters, and fix the amount of their compensation." E. B. Willis and P. K. Stockton's Debates and Proceedings of the Constitutional Convention, is a verbatim account of the entire proceedings published by the State Printing Office in 1881. Beginning on September 28, 1878, the published Debates indicate that stenographers must have been present from the first day.[11]

State, California Constitution, 1879, Working Papers of the Constitutional Convention, 1878-79, Minutes, September 28, 1878 to March 3, 1879, box 15-18, California State Archives, Sacramento, California.

[11] Statutes of California, 1877-78, p. 762; Willis and

On October 4 and 5, the delegates were busily engaged with the task of filling vacancies. The heated debate of that Friday and Saturday centered on the political camps of the replacement delegates. The legislature had, in the enabling act, provided for the filling of vacancies through election by the remaining delegates. The act did not, however, stipulate whether the nominations should come from runners-up from the popular election, or whether the replacements should come from the same political party as the original delegate. Thomas Morris, WPC delegate from San Francisco, is an example. Because he was not an American citizen, Morris had to resign his seat at the convention. The WPC delegation struggled ferociously to seat another WPC candidate who had run during the election; but, after seven roll-call votes, Smith B. Thompson, a Republican teacher-carpenter from San Francisco, took his seat.[12]

During the course of the convention, four vacancies occurred due to death, and one vacancy was caused by the "insanity" of a delegate. Former governor Henry H. Haight had been elected on the Non-Partisan ticket, second congressional district, but died before the convention convened. George M. Hardwick, a Non-Partisan delegate representing Merced and Mariposa counties, also died before the convention convened. On October 5, the convention elected Non-Partisans J. West Martin and James M. Strong to replace Haight and Hardwick respectively.

In mid-November James M. Strong died. By late November Bernard F. Kenny, WPC delegate from San Francisco, had also died. The delegation did not act on the vacancies until December 18, when they elected William J. Howard of Mariposa County to replace Strong, and John J. Kenny of San Francisco to fill the vacancy caused by the death of his brother Bernard. Kenny was the only replacement to come from the ranks of the WPC.

On October 21, delegate William W. Moreland, Non-Partisan from Sonoma County, presented a resolution that addressed the "suggested" vacancy caused by the "insanity" of delegate Jehu Berry, Democrat from Siskiyou and Modoc counties. Moreland moved that "on Friday the 25th day of October, 1878 at 11 o'clock A.M.," the convention "proceed to the election of some qualified person to fill said vacancy." On motion of WPC delegate Henry Larkin, the delegation tabled the resolution and did not attempt to fill the vacancy at any later date. On October 23, the minute clerk recorded that Berry, who had been absent since October 14, had been granted indefinite leave of absence "on account of sickness." Jehu Berry did not return for the remainder of the convention, and was not present at the signing of the constitution on March 3. Perhaps thinking Moreland's resolution in poor taste, and out of respect for Berry's privacy and illness, the convention did not fill his vacancy or address the issue further in the debates.[13]

Stockton, Debates and Proceedings 3 vols.

[12] Swisher, Motivation and Political Technique, Chapter Three, "Organizing the Convention," pp. 32-44.

[13] Working Papers, Minutes, September 28, 1878 to March 3,

On October 2, President Hoge appointed members to the Committee on Rules and Order of Business. By October 7, the committee supplied the delegation with a list of standing committees (delegate members to be appointed by the chair), and with the Standing Rules and Orders of the convention. The following two days President Hoge announced the standing committees along with the names of delegates assigned to each committee (see chart two).

The rules committee had established thirty separate standing committees. Twenty-five committees were to consider individual topics or articles to be included in the constitution. Five committees would handle the special business of the convention and oversee the actual construction of the document. The twenty-five committees, such as the committees on the Preamble and Bill of Rights, Right of Suffrage, Legislative Department, Executive Department, and Judicial Department, were responsible for the drafting of individual articles of the proposed constitution. The five remaining committees were: Revision and Adjustment, Reporting and Printing, Engrossment and Enrollment, Privileges and Elections, and Mileage and Contingent Expenses.

President Hoge occasionally appointed members to special committees created to handle specific, immediate problems. Examples were the committee on a Phonographic Reporter, and the committee on Additional Employees. The delegation authorized the committees to determine the necessity and compensation of an official stenographer, and additional staff. At times the convention requested a regular standing committee to consider a problem outside of their normal article review and advise the body in a special report. For example, the Committee on the Judicial Department provided a special report which determined the legislative intent of the enabling act regarding funds chargeable with the expenses of the convention. The delegation also asked that committee to report on the eligibility of Judge Eugene Fawcett of Santa Barbara to his seat in the convention. The 1849 constitution had specifically restricted judges from holding any other constitutional offices while on the bench (Article VI, Judicial Department, section sixteen).[14]

The seventy-three-item "Standing Rules and Orders" adopted by the delegation on October 8, set out the rules for the proceedings as well as guidelines for conducting the business of the convention. Using Cushing's Law and Practice of Legislative Assemblies (specifically cited in rule fifty-nine), the committee reiterated recognized rules of conduct, debate, and procedure for legislative and parliamentary bodies. The

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1879, box 15-22; Willis and Stockton, Debates and Proceedings, pp. 781, 1124, 1495; the roll calls of the published debates incorrectly show Berry as present on December 20, January 23, and March 1. The roll calls and voting records contained in the Minutes for those same days verify that Berry was not actually present.

[14] Browne, Report of the Debates . . . 1849, Appendix, "Constitution of the State of California," p. ix.

convention rules ranged in subject from the hour of convening (rule one), to debate decorum (rules forty-two, forty-four, and forty-six), to a prohibition against smoking in the assembly chamber (rule sixty-seven). With the exception of a prohibition against amending or suspending rules fifty through fifty-three and fifty-five regarding the amendment process, convention rules could be amended by a two-thirds vote of the members present. Throughout the convention, members debated and amended the rules.[15]

Rule seventeen of the "Standing Rules and Orders" established the official succession of daily business of the convention. The eleven part "Order of Business" proceeded in the following sequence:

1. Roll Call
2. Reading and Approval of the Journal
3. Presentations of Petitions and Memorials
4. Communications from State Officers
5. Reports of Standing Committees
6. Reports of Select Committees
7. Introduction of Resolutions and Propositions relating to the Constitution
8. Unfinished Business
9. Special Orders
10. General Order
11. Miscellaneous Motions and Resolutions[16]

According to the rules committee, the Petitions and Memorials referred to in part three included "remonstrances" and "communications from individuals and public bodies." Throughout the proceedings individuals and public groups petitioned the delegation in the interest of such issues as equal taxation, convict labor, mechanic's liens, women's suffrage, "Local Option" liquor laws, and recognition of the sabbath in the constitution. The working papers contain over forty such petitions, some with signature pages attached measuring over fifteen feet in length. Each day, after the presentation and reading of petitions and memorials, President Hoge referred them to

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[15] The following ninth edition of Cushing's *Lex Parliamentaria Americana* is available in the law section of the California State Library, Sacramento. Perhaps it is the same edition used by the constitutional convention. Luther Stearns Cushing, Elements of the Law and Practice of Legislative Assemblies in the United States of America (Boston: Little, Brown, and Company, 1874); In addition to the draft of the "Standing Rules and Orders" contained in the working papers, a complete listing of the "Rules" of the convention, as adopted October 8, 1878, appears in Willis and Stockton's Debates and Proceedings. pp. 60-64.

[16] Working Papers, Committee Papers, Committee on Rules and Order of Business, "Standing Rules and Order of Business," p. 14, box 2.

the appropriate standing committee. After considering the petitions, the committees either favored the interest with inclusion in their articles for the constitution, or recommended no action at all.[17]

Often committees asked state officers, such as Secretary of State Thomas Beck, to supply data that they required for construction of constitutional articles. The fourth order of business, "Communications from State Officers," included "communications from public officers, and from corporations in response to calls for information." In addition to Secretary of State Beck, state officers such as Surveyor General William Minis, Superintendent of State Printing Frank P. Thompson, State Controller William B. C. Brown, and Adjutant General P. F. Walsh sent reports to the delegation in response to inquiries. As with public petitions, the secretary read the reports to the delegation and the president then ordered them referred to the appropriate committee for action.[18]

Revising the Constitution

Following part seven of rule seventeen, "Order of Business," each delegate had the opportunity to present two independently proposed amendments to the constitution. By October 9, much of the organization of the convention had been completed. The delegates began to submit their "propositions" (proposed amendments) as the secretary called their names in alphabetic, roll-call order. A delegate handed his proposed amendment or amendments to the secretary, who read them to the body and numbered them sequentially. The chair then ordered each proposition printed and referred to the appropriate committee. The committees considered the individual propositions for inclusion in their new articles of the constitution. On October 10, the delegation adopted a resolution that all propositions be submitted as an article or section of an article "in the proper form to be embodied in the constitution."[19]

Delegates submitted proposed amendments on almost a daily basis until December 4, when the minute clerk recorded the receipt of amendment number 519 in the "minutes." After December 4, the delegates continued to present their propositions, but less frequently. By late January 1879, the secretary had numbered 538 amendments. Not all of the original drafts of the proposed amendments are extant, and some were not numbered. However, the state printing office created two bound volumes of printed, sequentially numbered proposed amendments entitled "Proposed

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[17] Ibid.; Working Papers, "Public Petitions and Memorials," box 3.

[18] Working Papers, Committee Papers, Committee on Rules and Order of Business, "Standing Rules and Orders," p. 14, box 1; Working Papers, Reports from State and Municipal Agencies, box 2.

[19] Working Papers, Committee Papers, Committee on Rules and Order of Business: Report, "Standing Rules and Orders," box 1; Minutes, October 10, 1878, box 16.

Amendments to the Constitution, 1878-79."[20]

Much of the construction of the constitution took place during the meetings of the standing committees of the convention. Unfortunately, little evidence remains to indicate what actually occurred in committee chambers. Although committees employed clerks, with the exception of a few pages of Revenue and Taxation committee minutes, standing committee meeting minutes are not extant in the working papers. The working papers and published Debates and Proceedings of the convention contain committee majority and minority reports and drafts of articles, but they do not contain accounts of standing committee debate. It should be noted that the convention provided desks for newspaper correspondents to cover the proceedings. On October 15, the convention tabled a resolution presented by delegate Charles Beerstecher stating that the "accredited" members of the press should "be privileged to be present at all regular meetings of standing committees." The researcher is advised to review newspapers such as the Sacramento Record-Union and the Sacramento Bee for evidence of debate in committee chambers.[21]

Meeting in separate rooms and chambers of the capital building (the legislature did not convene that year), the committees probably met in the early afternoons and evenings until they had completed their article draft. Rule fifty-four of the "Standing Rules and Orders" prohibited committee meetings while the convention was in session. On October 15, Henry Edgerton presented a resolution calling for daily adjournment "after completing the sixth order of business" from October 15 to October 23 to allow for committee meetings. The convention adopted the resolution, resolving that the committees begin reporting back to the body by October 23. The convention minutes indicate that for seven days, October 16 to October 23, the convention adjourned for the day before 11:00 a.m. Because the convention typically adjourned at approximately 5:00 p.m. daily, the early hour indicates that the delegates adjourned early to reassemble into committees.[22]

Although the committee on the Preamble and Bill of Rights reported back to the

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[20] Working Papers, Minutes, October 9, 1878 to January 30, 1879, boxes 16-20. The California State Archives has only the first volume of "Proposed Amendments to the Constitution, 1878-79" (WPA #363, Rare Books Library), which contains amendments one through 369. Volume two may perhaps be found at the California State Library, Law or Government Publications divisions. The volumes were probably created for the use of the convention and not published because volume one contains no publication data page.

[21] Working Papers, Minutes, October 15, 1878, box 16.

[22] Working Papers, Committee Papers, Committee on Rules and Order of Business: Report, "Standing Rules and Orders," box 1; Working Papers, Minutes, October 15-23, 1878, box 16.

convention on October 24, many committees did not report until late December or January. No doubt many committees were ready to report, but could not because the convention was occupied with debating and amending previously reported articles. Additionally, newly constructed or controversial articles, such as Revenue and Taxation or Corporations, probably required more time in committee to complete than simply revised articles such as State Indebtedness or Education. The extant minutes of the committee on Revenue and Taxation, dated October 16-18, 21-23, and 29, contain entries such as "7-P.M." and "Evening Session." The committee reported the article on Revenue and Taxation on December 24. The time-consuming debate that followed (eleven days in Committee of the Whole, five days in convention, and two days for second reading) indicates that much contention surrounded the article.[23]

Each of the twenty-two articles that ultimately comprised the new constitution proceeded through the same schedule of activity. Standing committees drafted articles and reported them to the convention. Each delegate received a printed copy of the article. The convention then discussed, debated, amended, or deleted portions of articles, section-by-section, in Committee of the Whole. The Committee of the Whole was the whole delegation resolved into a committee for the purpose of considering one topic only. No other house business could be attended to while a parliamentary or legislative body was in Committee of the Whole. Rule fifty-eight of the "Standing Rules and Orders" mandated that all proposed alterations to the constitution be considered in Committee of the Whole before being debated and finally acted on in convention. The Committee of the Whole reviewed, debated, amended, and adopted or rejected each section of an article by a majority vote. Every proposed amendment to each section had to be put to a vote. Every section had to be adopted or rejected by a majority vote.[24]

Each delegate again received a printed copy of each article as amended in the Committee of the Whole, and the secretary placed the article on General File for the first convention reading. Following rule fifty-three of the convention rules, all proposed amendments reported by committees had to be read and then "placed on a general file to be kept by the Secretary in the order in which they [were] reported." They would be removed and "acted upon" in that order. By January 27, the convention began first readings of the amended articles. The primary purpose of the first reading was to adopt or reject the actions of the Committee of the Whole. The delegation considered each amended section of an article in numeric sequence, either "concurring in" or rejecting Committee of the Whole amendments by majority vote. During the first reading process, additional amendments could be proposed and adopted or rejected by majority. An entirely new section of an article could be proposed and put to vote, but only after all Committee of the Whole amendments were taken up. First reading

[23] Working Papers, Minutes, October 24, December 24, 1878 to January 8, February 5-11, 25-26, 1879, boxes 16, 19-22, and Committee Papers, box 2.

[24] Working Papers, Committee Papers, Committee on Rules and Order of Business: Report, "Standing Rules and Orders," box 1.

commenced on January 27 with the Preamble and Bill of Rights, and concluded on February 20 with the Miscellaneous Subjects article. When the convention had completed the first reading of an article, the chair would order the article to be engrossed (formally printed) for the second reading.[25]

As before the first readings, the delegates began the second reading consideration of articles with engrossed copies of each article on their desks. Beginning February 20 and ending February 27, the delegation proceeded with the second reading of articles at a faster pace than the first reading. The second reading process allowed the convention to review the work they had done, amend sections of articles, or add new sections with majority concurrence. The second reading concluded with a vote for or against the adoption of the entire article as part of the constitution. By this step in the revision process, most of the debate had concluded. The delegation completed the second readings of six of the final twenty-two articles on February 20, two articles the following day, one article on February 25, four more the next day, and nine articles on February 27. The convention did not convene on Saturday, February 22, George Washington's birthday, or Sunday, February 23. The convention began the second reading of the Judicial Department article Friday, February 21, continued through Monday, and finished the following day. After each second-reading vote on an article, the chair referred the adopted article to the committee on Revision and Adjustment.[26]

The committee on Revision and Adjustment, to which the chair referred all adopted articles, reported back to the convention on four consecutive days: Thursday and Friday, February 27 and 28; Saturday, March 1; and Monday, March 3. On the first day the committee advised the delegation regarding the construction of their report. The final printed report would contain all articles, placed in recommended order and sequentially numbered. To assist the delegation, which would have to concur in all amendments that had been made to each article during the convention, all amendments would be printed in italics, and any words or phrases that had been "stricken out" would appear in brackets.[27]

On Friday the committee on Revision and Adjustment reported on the Preamble, Article I (Bill of Rights), Article V (Executive Department), Article VII (Pardoning Power), Article VIII (Militia), Article XIX (Chinese), Article XXI (Boundary), and Article XIV (Water and Water Rights). Again the delegation reviewed all previously amended sections of each article individually. On majority concurrence the chair referred the articles to the committee on Reporting and Printing for enrollment (final formal printing) in the constitution. With the exception of the Chinese article, which endured even more

[25] Ibid.; Working Papers, Minutes, January 20 to February 27, 1879, boxes 19-22.

[26] Working Papers, Minutes, February 20-27, 1879, boxes 21-22.

[27] Working Papers, Amended Articles Reported by Committee on Revision and Adjustment, box 13.

debate, the delegation quickly reviewed the first seven reported articles.[28]

The committee on Revision and Adjustment reported back the remaining fifteen articles the following day. The committee presented on Saturday: Article II (Right of Suffrage), Article III (Distribution of Powers), Article IV (Legislative Department), Article VI (Judicial Department), Article IX (Education), Article X (State Institutions and Public Buildings), Article XI (Cities, Counties, and Towns), Article XII (Corporations), Article XIII (Revenue and Taxation), Article XV (Harbor Frontages, Etc.), Article XVI (State Indebtedness), XVII (Land and Homestead Exemption), Article XVIII (Amending and Revising the Constitution), Article XX (Miscellaneous Subjects), and XXII (Schedule). The convention immediately "concurred in" the amendments to all but three of the reported articles. The articles on the Judicial Department, Education, and Corporations stood more debate, but were that day referred to the committee on Reporting and Printing for enrollment with the other twelve articles.[29]

On Monday, March 3, the final day of the convention, the committee on Revision and Adjustment presented each delegate with a copy of their final printed report as promised. The report recommended some "changes of phraseology and arrangement," and listed the articles in recommended numbered order, one through twenty-two. The report enumerated, section-by-section, every adopted amendment to each article. After adopting the report, the delegation ordered it printed in the journal. Following the report of the committee on Revision and Adjustment, the committee on Reporting and Printing, the last committee to consider the revised articles, reported the constitution "correctly enrolled on parchment."[30] (Consult chart three for the revision process for each new article).

Adopting the Constitution

With the exception of the reading of the constitution by the secretary, the delegation proceeded on the final day of the 127-day convention in traditional parliamentary manner. After the Committee on Reporting and Printing presented the enrolled constitution, Secretary Smith began to read it. Before long the delegation began to tire of hearing its work. After two motions, the delegates, by a vote of seventy-four to fifty-eight, dispensed with the formality of the reading. The body then adopted the constitution by a vote of 120 ayes, fifteen noes. (Of the 152 original delegates, 120 voted for the constitution, fifteen voted against it, fifteen delegates were absent, and two paired with two absent members to cancel four votes).[31]

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[28] Ibid.

[29] Ibid.

[30] Working Papers, Minutes, March 3, 1879, box 22.

[31] Ibid.

After formal adoption of the constitution, the delegates proceeded to authenticate the document with their signatures. First, President Hoge and Secretary Smith signed. Then, as the secretary called their names from the roll-call sheet in alphabetical order, the delegates came to the front of the chamber and applied their signatures. The delegation had passed resolutions on the previous day that outlined procedures for signing, printing, and distributing the completed constitution. Delegate Henry Edgerton presented a resolution directing the Secretary of State, in whose charge the enrolled document would be placed, to allow any absent delegate who had not signed the constitution thirty days to add his signature. To facilitate Edgerton's resolution, President Hoge ordered the names of fourteen absent delegates entered in the journal. Hoge allowed delegate George V. Smith to sign for the fifteenth absent delegate, V. A. Gregg, because Gregg had previously given Smith authorization.[32]

After the last delegate had affixed his name, President Hoge called the convention to order for the purpose of formally placing the enrolled constitution in the custody of Secretary of State Thomas Beck. Hoge ceremoniously addressed Beck:

> Mr Secretary: The Constitutional Convention, convened here by authority of law for the purpose of framing a new Constitution for the State of California, have instructed me to place that Constitution, duly attested by its officers and signed by the members of the Convention, in your hands for the purpose of being preserved in the archives of the State. In compliance with that resolution I now place in your hand the Constitution which this Convention has framed and adopted.

Accompanied by the applause of the delegation, Beck "stepped forward and received the Constitution." He responded to Hoge, "Mr. President: The new Constitution which you have placed in my hands I will safely deposit in the archives of the State, and I will duly transmit the same to my successor in office."[33]

Next the convention proceeded to the adoption of their "Address to the People of the State of California." On February 20, delegate Charles W. Cross had presented a resolution directing President Hoge to appoint a committee of nine delegates to prepare

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[32] Ibid.; Willis and Stockton, Debates and Proceedings of the Constitutional Convention, p. 1521. The fourteen names recorded by the minute clerk were: William H. L. Barnes, Jehu Berry, H. C. Boggs, Alexander Campbell, Eugene Casserly, David H. Cowden, Robert Crouch, Eugene Fawcett, Charles G. Finney, Jr., James E. Hale, John F. Miller, Alonzo E. Noel, Albert P. Overton, and Samuel M. Wilson. The signatures of absent delegates Hale and Overton are affixed to the enrolled constitution in alphabetical order with the signatures of the delegates who were present on March 3. The names of the remaining twelve absent members do not appear on the enrolled constitution.

[33] Willis and Stockton, Debates and Proceedings of the Constitutional Convention, p. 1521.

"an address to the people of the State . . . indicating the material changes made in the existing constitution." The delegation rejected Cross's resolution, but later adopted a similar resolution presented by Wilbur F. Huestis. On February 24, a slim majority of delegates adopted Huestis's resolution, sixty-two ayes to fifty-four noes. The resolution directed Hoge to appoint a committee of one member for each judicial district "to prepare an address to the people of the State, setting forth concisely the principal amendments proposed by this convention to the present constitution, and . . . the reasons therefor." On the final day of the proceedings, the convention secretary read the address which the delegation adopted by a vote of 103 ayes to thirty noes. Copies of the address would be distributed with the printed copies of the constitution to the voting public.[34]

After they had adopted the public "address," delegates offered formal resolutions which recorded the "thanks of the convention" to various officers and staff of the proceedings. The delegation adopted resolutions recognizing the assistance of state agencies as well. Resolutions formally thanked President Hoge, "the several Secretaries and Journal Clerks," Assistant Sergeant-at-Arms Benjamin Chambers, the pages, and porters. The convention recognized "the state officers for their prompt and courteous response to the demands of the convention." The delegation thanked Superintendent of State Printing Frank P. Thompson "for the prompt, efficient, and thorough manner in which the work in his department for this convention has been done." Thompson must have worked his staff through many evenings preparing and printing hundreds of copies of documents that had to be ready for the next day's business.[35]

Although it was the final day of the convention, Thompson's work was not nearly finished. Thousands of copies of the constitution and the accompanying address to the people had to be printed for public distribution. Additionally, after unanimously adopting the resolution thanking Thompson, the convention immediately adopted another resolution authorizing him "to print nine hundred and sixty copies of the Constitution, as correctly enrolled, for the use of the delegates."[36]

The final actions of the body included presentations of gifts. Delegate Morris M. Estee, on behalf of the delegation, conferred to Sergeant-at-Arms Thomas J. Sherwood a watch and chain as "a slight token of [their] esteem." Estee told Sherwood that he hoped the gift would serve as "a reminder that this Convention believed that [he] had faithfully performed [his] duty." Delegate Joseph W. Winans presented a golden gavel to President Hoge on behalf of the porters of the convention. Delegate George A. Johnson, speaking for his "*fraters*" at the convention, presented President Hoge with a

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[34] Ibid., 1421, 1449, 1524.

[35] Willis and Stockton, Debates and Proceedings of the Constitutional Convention, pp. 1524-26.

[36] Ibid.

collection of books by writers, essayists, critics, historians, and dramatists such as Charles Dickens, John Motley, Washington Irving, Thomas De Quincey, Michel Montaigne, Thomas Macaulay, and Richard Sheridan. Johnson and the "friends" of Hoge at the convention, offered the "one hundred volumes of standard literary works" as a "slight testimonial of their respect and regard," and to say "Farewell to Mr. President." Hoge responded with humble thanks and a promise to "treasure [the] beautiful gift for all time." The collection would serve as a reminder to his children after he had "gone" that "their father had merited" the "kind consideration and approbation" of the delegation over which he had presided.[37]

The delegation had completed signing of the constitution at noon on the final day, and, by 1:00, weary delegates were moving for adjournment. Perhaps to end the presentations and resolutions of thanks, delegate James E. Murphy, non-partisan Democrat from Del Norte County, stated: "I would like to have thanks returned to everybody and everything--except President Hayes." Amid the laughter caused by Murphy's remark, delegate and former Secretary of State William Van Voorhies moved "that the thanks of the Convention be returned to the `silent members'." Above the continued laughter, President Hoge declared Van Voorhies's resolution "unanimously adopted." At 1:15 in the afternoon, President Hoge declared the convention adjourned *sine die*.[38]

RATIFYING THE CONSTITUTION

Section seven of the 1878 enabling act had made general provisions for popular ratification or rejection of the new constitution. Sections four through nine of Article XXII (Schedule) of the revised constitution provided detailed instructions regarding ratification. A special election would be held on the first Wednesday of May, 1879. The election could settle no other question but constitutional ratification. Thirty days before the election, the state superintendent of printing had to print "in pamphlet form" as many copies of the constitution as there were registered voters, and mail one copy to the post office address of each registered voter. Postal carriers would deliver copies to the voters who had not picked up their pamphlets within ten days of receipt at the post office. Thirty days before the first Wednesday in May, the executive had to issue a proclamation, to be "made public" by the "Boards of Supervisors of the several counties," calling the election. On April 2, 1879, Governor William Irwin issued a proclamation that the election would be held on Wednesday, May 7, 1879. Qualified voters were all persons entitled to vote for members of the assembly.[39]

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[37] Ibid., 1525-26.

[38] Ibid.

[39] Statutes of California, 1877-78, Chapter 490, p. 764; Willis and Stockton, Debates and Proceedings, p. 1520; Secretary of State, Governor's Proclamations, Proclamation 121, Filed April 3, 1879, microfilm, California State Archives, Sacramento,

As had occurred with the elections for constitutional delegates the previous summer, the campaign for and against the new constitution was waged principally in the newspapers of the state. Most major city newspapers, such as those in Oakland, Sacramento, and Stockton, editorialized against the new constitution. Media support of the revised organic law was more conspicuous in the southern part of the state. Newspapers such as the Los Angeles Express reported favorably, while the San Francisco Alta and the Sacramento Record-Union were openly hostile. The San Francisco Chronicle was the only prominent northern newspaper to promote the new document. Calling it a "loyal champion," political scientist Carl Brent Swisher asserted that the San Francisco Chronicle was "probably the most effective organ in the state in support of the work of the constitutional convention."[40]

Complicated constitutional articles, such as the article on revenue and taxation, caused as much controversy before the people as they had caused debate during the convention. The media used sensitive issues such as revenue and taxes as points of attack or defense of the new document. Focusing on regional interests as they related to the issues, local groups formed "constitution clubs" and "anti-constitution clubs" all over the state. Newspapers announced the dates, times, and places of club meetings, and reported topics of discussion. In addition to newspapers, privately funded organizations, particularly those in opposition to the new constitution, printed and distributed circulars and pamphlets to voters. For the two months that passed between the completion of the new constitution and the popular election, California was the scene of an intense political competition.[41]

Twenty days before the election, the state superintendent of printing had to print and send to every county clerk two types of ballots. Printed on "legal ballot paper" furnished by the secretary of state, the ballots would separately state "For the new Constitution," or "Against the new Constitution." After receiving five times the number of each type of ballot as there were registered voters in their counties, the county clerks were to distribute equal numbers of both ballots to the inspectors of elections. As during standard elections, county officers were responsible for canvassing the vote and sending certified returns to the governor. The returns were to be forwarded no later than the second Monday after the election, or May 19, 1879.[42]

As soon as all the returns were in, or within thirty days of the election, the governor, assisted by the controller, treasurer, and secretary of state, had to "open and compute" the vote. The June 6, 1879 statement of vote--attested by Governor Irwin, Controller Daniel Kenfield, Treasurer José Estudillo, and Secretary of State Thomas Beck--listed alphabetically, each county's returns and statewide totals. The total

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[40] Swisher, Motivation and Political Technique, pp. 100-03.

[41] Ibid., 103-07.

[42] Willis and Stockton, Debates and Proceedings, p. 1520.

received statewide was 145,212 votes, including 77,959 ballots for the new constitution, 67,134 ballots against the new constitution, and 119 "votes rejected."[43]

Following the mandates of the enabling act and Article XXII of the constitution, on June 7, 1879, Governor Irwin issued a proclamation certifying that "a majority of the whole number of votes cast" were in favor of the new constitution. The revised fundamental law of the state would become effective as specified in section twelve of the Schedule (Article XXII):

> This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian [noon], so far as the same relates to the election of all officers, the commencement of their terms of office and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

In his proclamation, Irwin declared the new constitution to be "the Constitution of the State of California."[44]

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[43] Ibid.; Secretary of State, Election Papers, Statement of Vote, May 7, 1879 Election canvassed June 6, 1879; The Statement of Vote shows the secretary of state's handwritten tally of votes in columns next to a printed list of California counties. The counties of Klamath and Mariposa have no votes. Klamath county ceased to exist in 1874, its territory annexed by Humboldt and Siskiyou counties. Mariposa county's election return must have been lost at the time of the canvassing. The archives contains a "duplicate" copy with a file date of May 12, 1879 by the county clerk, but a "received" date of June 25, 1879--too late to be counted. Mariposa County's total vote of 805, including 447 ballots cast for the new constitution and 358 votes against it, would not have effected the outcome of the statewide total. Names of state officers may be found in Appendix C, E. Dotson Wilson, Chief Clerk of the Assembly, California's Legislature, 1993-94 (Sacramento: California State Assembly, 1994), pp. 193, 195, 197, 198.

[44] Secretary of State, Governor's Proclamations, Proclamation 122, June 7, 1879; Willis and Stockton, Debates and Proceedings, p. 1521.

Series Descriptions of Working Papers

1. Administrative Records. 3 file folders. F3956:1-3

Files contain Oaths of Office of delegates who filled vacancies, including the resignation of delegate Thomas Morris of San Francisco; convention bills and receipts; convention secretary and clerk note fragments.

2. Committee Papers. 4 file folders. F3956:4-7

Files contain papers of two committees:

Committee on Rules and Order of Business--"Standing Rules and Orders" of the convention; "Standing Committees" of the convention as reported by the committee and by the Sacramento Record-Union, October 8 and 9, 1878; Notices to amend the rules (folders 4, 5, 6).

Committee on Revenue and Taxation--Minutes (October 16-18, 21-23, 29, 1878), and resolutions introduced in committee (folder 7).

3. Special Committee Reports. 8 file folders. F3956:8-15

Reports of special committees and standing committees addressing specific problems that the delegation confronted during the convention.

Files contain reports from:

The Committee on Additional [Convention] Employees.
The Committee on Phonographic Reporter.
The Committee on Reporting and Printing (projected costs of printing debates and journals).
The Committee on the Judiciary (legislative intent of the Constitutional Enabling Act of 1878).
The Committee on the Judiciary (eligibility of [Judge] Eugene Fawcett of Santa Barbara as delegate to the convention, including minority report).
The Committee on Expulsion of Delegate Charles C. O'Donnell. The Committee on Mining (recommendation regarding amendments 91, 345, 450).

4. Memorials Drafted by the Convention. 5 file folders. F3956:16-20

Communications, adopted by a majority of the delegation, from the convention to other state and federal entities, and to the people of California.

Files contain memorials to:

The governors of Oregon, Nevada, and Washington and Arizona territories regarding the Burlingame Treaty.
The President and Congress of the United States regarding the Burlingame Treaty.
The President and Senate of the United States regarding import duties on French wines and spirits.
The United States Congress regarding university land grants. "Address to the People of the State of California," dated March 3, 1879.

5. Reports from State and Municipal Agencies. 12 file folders. F3956:21-32

Six files contain oversize documents.

Reports of agency officers responding to requests from the convention, by formal resolution, for information. The reports address such issues as public lands, corporations, state indebtedness, the railroads, and university lands.

Files contain reports from:

State Surveyor General (public lands).
Secretary of State (convention stationary account; corporations).
Superintendent of State Printing (convention printing costs).
State Controller (state, county, and municipal debt; state militia expenses; convention appropriations).
Clerk of the Supreme Court (business of the court, 1874-78).
University of California, Board of Regents and College of Agriculture (receipts, disbursements, investments, 1868-78).
Adjutant-General (militia expenditures, 1877-78; California National Guard).
Transportation Commissioner (railroad legislation, 1850-78; county debt, railroad bonds).
Superintendent of Public Streets and Highways, San Francisco (private and municipal expenditures, 1867-78).
"City of Stockton" (debt, revenue, expenses, 1878).

6. Public Petitions and Memorials. 45 file folders. F3956:33-77

Signed petitions received by delegates from their constituents addressing interests of individual citizens, political groups, social organizations, and labor societies. Petitions request constitutional provisions respecting such issues as equal taxation, land monopoly, labor, mechanic's liens, women's suffrage, "Local Option" liquor laws, charitable and church property tax exemption, and legal recognition of the Sabbath.

Many petitions have signature pages affixed to them with glue. The signature pages of some petitions, particularly those regarding charitable and church

property tax exemption, extend to lengths of over ten feet (boxes 5 and 6). One women's suffrage petition from San Francisco contains the signature of Emperor Norton (box 3).

Merchants and Dealers of Nevada County (taxation).
Citizens of Amador and Nevada counties (taxation).
Citizens of Mariposa and Merced counties (death of delegate J. M. Strong).
Citizens and members of the Bar of San Diego, San Bernardino, and Los Angeles counties (protest sitting of supreme court at Sacramento only).
Citizens of San Francisco (land monopoly and equal taxation).
M. Montgomery, "An Article to Provide for the Supervision and Accountability of State and County Officers."
Joseph Ramsey, Tennessee, "A Plan Containing the Elements and Cardinal Principles for a State Constitutional Government."
E. Steinle, San Francisco, "Sketch of the Framework of a New Constitution of California."
Representative Assembly of the Trades and Labor Unions of the Pacific Coast (protest against state and municipa labor contracts, prison labor, and child labor).
Journeyman Stone Cutters Association of the Pacific Coast (protest state contracts for public building construction).
Carpenter's and Millmen's Association (protest prison labor contracts).
Mechanic's Leins (2 ff).
Women's Suffrage (3 ff).
Voters of San Luis Obispo County (alcohol prohibition).
Liquor "Local Option" (9 ff).
Los Angeles, San Francisco Turn Verein, and the Independent German Congregations of San Francisco (protest establishment of state religion).
Acknowledgement of "Almighty God" in state constitution.
Objection to recognition of the Sabbath (Sunday, a day of rest) in the state constitution (2 ff).
San Bernardino County (legislative appropriations to private orphan asylums).
San Francisco (property of "deaf, dumb, and blind persons" should be tax exempt).
Exemption from taxation of charitable, educational, and church property (5 ff).
Exemption from taxation of charitable, educational, and church property (5 ff).
Printer's drafts (no signatures).
Unidentified (signature pages only).

7. Convention Resolutions. 5 file folders. F3956:78-82

Resolutions Nos. 1 to 100, plus unnumbered.

Arranged sequentially as numbered by convention secretary. Sequence is broken by nine missing numbers (4, 46, 58, 61, 62, 66, 68, 81, 88). Twenty-four unnumbered resolutions arranged in chronological order of date presented to

convention. Four resolutions are unnumbered and undated. Unnumbered and undated resolutions contained in one folder following resolution 100.

A complete listing of Convention Resolutions, arranged sequentially by number and showing subject, author, and date presented to the convention, follows. Resolution titles (subjects) are transcribed as noted by convention secretary. Folder numbers are indicated.

RES.#	SUBJECT	AUTHOR	DATE INTRODUCED
(F3956:78, Res. 1-3, and 5-25)			
1	Printing journal of proceedings	Beerstecher	Oct 5, 1878
*			
3	Apptmnt. & pay of night watchman	Hilborn	Oct 7, 1878
*			
5	Abolish office of Lt. Governor	Barbour	Oct 9, 1878
6	Single legislative chamber	Barbour	"
7	Hours of labor & Lien law	Condon	"
8	Child factory labor (under 14 yrs)	Farrell	"
9	Trial Jurors	Freeman	"
10	Grand Juries	Freeman	"
11	Land Subsidies	Lindow	"
12	Grand Juries	Mansfield	"
13	Naturalized citizens--elections	E. Martin	"
14	Reading of bills; ayes and noes	McCallum	"
15	Time of meeting of legislature	McCallum	"
16	Abolish fines non-misdemeanors	Morse	"
17	Chinese testimony	Murphy	"
18	Land limitation	Reynolds	"
19	Pardoning power	H. Smith	"
20	Women's suffrage	Steele	"
21	Dispensing with grand juries	Stedman	"
22	Governor's veto power	Townsend	"
23	Apptmnt. of phonographic reporter	McFarland	"
24	Official short-hand reporter	G. V. Smith	"
25	Short-hand reporter	McCallum	"
(F3956:79, Res. 26-45, 47-50)			
26	$40. to McStay, Journal Clerk	Eagon	Oct 9, 1878
27	Payment of Page	Huestis	"
28	Burlingame Treaty	Barbour	Oct 10, 1878
29	Committee rooms	Beerstecher	"
30	Grand Juries	Tuttle	Oct 9, 1878

31	Forced sale of property	Wyatt	"	
32	Rate of Interest	Wyatt	"	
33	Treaty with France	Mansfield	Oct 10, 1878	
34	Proposed treaty with France (Memorial from Los Angeles County viniculturists attached)	Mansfield	"	
35	$15. to Edwin Morris, Page	Gregg	"	
36	Delegate pay for sick absence only	Stedman	Oct 11, 1878	
37	$10. daily fine for non-sick absence	Wellin	"	
38	William Grace added to Committee on State Institutions & Public Build.	Filcher	"	
39	S. B. Thompson added to Committee on Rules and Order of Business	Winans	"	
40	Form of Constitution	Winans (special order for 10/15)		40** Add McCoy
		Shoemaker	Oct 11, 1878	
	**[Duplicate #40, Secretarial error?]			
41	Change Rule No. Sixty	McCallum	[unstated]	
42	Submitting separate propositions	Barbour	Oct 12, 1878	
43	$75. to Steppacher, Clerk to Committee on Rules & Order of Bus.	Rules Comm.	Oct 15, 1878	
44	Authorize Committee on Revenue and Taxation to employ a clerk	Edgerton	"	
45	$18. to Page, Six days work	Estee	"	
*				
47	Clerk for Sergeant at Arms	Garvey	Oct 16, 1878	
48	Clerk for Committee on Enrollment and Engrossment	Garvey	"	
49	Clerk for Committee on Legislative Department	Terry	Oct 17, 1878	
50	Clerk for Committee on Corporations other than Municipal	Estee	"	

(F3956:80, Res. 51-57, 59, 60, 63-65, 67, and 69-75)

51	Printing and stationary costs	Ayers	"	
52	Porters for committee rooms	[unstated]	Oct 18, 1878	
53	Pay for Kean, Clerk to Sgt at Arms	Strong	"	
54	Finkler, Clerk to Committee on Judiciary	Tinnin	"	
55	Report of Secretary of State, Thanks of convention	Noel	Oct 19, 1878	
56	$5,000. to Secretary of State	Tully	"	
57	$105. to Sunetry, Night watchman	Eagon	"	
*				
59	Bureau of Labor & Labor Statistics	Beerstecher	Oct 9, 1878	

60	Chinese citizenship	O'Donnell	Oct 22, 1878
*			
*			
63	Transcribing, indexing, and printing journal	Holmes	Oct 23, 1878
64	Stationary supplies, not to exceed $10. per delegate	Larkin	Oct 26, 1878
65	Application of federal constitution to state courts--trial by jury	Caples	Oct 28, 1878
*			
67	$88. to Edward Mason, porter for committee rooms	Barnes	Nov 1, 1878
*			
69	Secretary of State to compile list of stationary account, each delegate	Caples	"
70	Request financial statements, University of California Board of Regents	Martin	Oct 31, 1878
71	Amend Rules Nos. 1 and 2	Stedman	Nov 2, 1878
72	Cost of State Militia, 1856-78	Tinnin	"
73	Request report from Superintendent of Streets, San Francisco	Casserly	"
74	Pay of [convention] employees	Condon	"
75	Report of Senate Committee on Chinese, 1877-78 session	Stedman	"

(F3956:81, Res. 76-80, 82-87, 89-100)

76	Request report from Adjutant General, National Guard/ Militia	Swing	"
77	Pardoning power of governor	Filcher	"
78	Bills for ice and post office box	Edgerton	Nov 5, 1878
79	$108. to Hiram Clock, Porter	Estee	Nov 8, 1878
80	Request report from Surveyor Gen.	Hager	Nov 6, 1878
*			
82	Clerk for Committee on Right of Suffrage	Eagon	Nov 9, 1878
83	Stationary account, pay back excess over $10.	Reynolds	"
84	Copies of daily proceedings and committee reports to State Library	Dunlap	Nov 13, 1878
85	Printing Journal, 750 copies	Hilborn	Nov 15, 1878
86	Discharging committee clerks	Larkin	Nov 16, 1878
87	Adjourn 2:00 & return Monday at 2:00	Laine	"
*			

89	Request information from the San Francisco Gaslight Co., meters sold	Ringgold	Nov 18, 1878
90	Additional pay for Patrick Levy, gas porter	O'Sullivan	Nov 23, 1878
91	Request report from State Printer, cost to state of printing series of "Readers"	O'Sullivan	Nov 25, 1878
92	Instruct Committee on Corporations to amend section twenty of article	Terry	Dec 6, 1878
93	Instruct Committee on Corporations to amend section twenty, Railroad Commissioners	Tinnin	"
94	Instruct Committee on Corporations to amend section twenty-one	Filcher	"
95	Burlingame Treaty--petition govs. of Oregon, Nevada, & Washington Terr.	Dowling	Dec 9, 1878
96	$10. to J. J. Flynn, clerk to Comm. on State Insts. & Public Buildings	Overton	Dec 10, 1878
97	Memorialize Congress--Reduce cost of third-rate public lands within limits of any railroad; restore preemption and homestead lands within limits of forfeited railroad grants.	Wyatt	"
98	Request Committee on Land and Exemption to report to convention	O'Sullivan	Dec 12, 1878
99	Number of employees at convention	Larkin	Dec 14, 1878
100	Mileage of newly elected delegates	Dowling	Dec 21, 1878

(F3956:82, 24 unnumbered resolutions arranged in chronological order, plus 4 unnumbered and undated resolutions)

(1)	Dispense with phonographic reporter	Beerstecher	Oct 3, 1878
(2)	Elections to fill vacancies	Tinnin	Oct 4, 1878
(3)	Repeal Rule No. 71	Noel	Oct 14, 1878
(4)	Request report of State Printer, cost to date of printing resolutions and propositions	Barton	"
(5)	Vacancy caused by insanity of J. Berry	Moreland	Oct 21, 1878
(6)	Names of members calling for ayes and noes	McFarland	Oct 22, 1878
(7)	Request report from state comptroller	Casserly	Oct 30, 1878
(8)	Criminal case common law juries	Barbour	Oct 31, 1878
(9)	480 extra copies of Amendment No. 444, Corporations, be printed	[unstated]	Nov 8, 1878

(10) Death of J. M. Strong	Jones	Nov 19, 1878
(11) Eligibility of members of convention to hold office	Huestis	Nov 20, 1878
(12) Assertion made by Mr. Grace in debate (with Barbour's amendments)	Barnes	Nov 21, 1878
(13) Thanksgiving recess	Crouch	Nov 25, 1878
(14) Obsequies of J. M. Strong	Holmes	Nov 26, 1878
(15) Ice Company bill	Hilborn	Dec 3, 1878
(16) Occupancy of capitol building	Martin	Dec 5, 1878
(17) Subsidy to Texas Railroad	Dowling	Dec 6, 1878
(18) Indefinite leaves of absence	White	Dec 19, 1878
(19) Adjournment	S. Wilson	Dec 20, 1878
(20) Discharge of [convention] employees	Filcher	"
(21) Unexpended convention appropriation	Reddy	Dec 21, 1878
(22) Appointment of Asst. Journal clerk	Townsend	Jan 24, 1879
(23) Extension of time of speakers	Inman	"
(24) Appointment of committee to draft an "Address to the people of California"	Tinnin	Jan 27, 1879
(25) A. C. Maud for Night Watchman	Gregg	[unstated]
(26) Adjournment and recess	[illegible]	[unstated]
(27) James Saultery for Watchman	[unstated]	[unstated]
(28) Eugene Fawcett not entitled to seat at convention	[unstated]	[unstated]

8. Proposed Amendments and Articles. 79 file folders. F3956:83-161

Proposed Amendments Nos. 1 to 538, plus unnumbered.

Proposed Amendments Nos. 1 to 538 include those that became articles of the new constitution. Amendment articles include standing committee reports, committee drafts of articles, and amended versions (if extant). Individual delegates were authors of most proposed amendments to the constitution. Standing committees authored proposed amendments that became articles of the constitution.

Proposed amendments arranged sequentially as numbered by convention secretary in chronological order of the date they were presented to the convention. Sequence is broken by forty-four missing numbers (4, 46, 58, 61, 62, 66, 68, 81, 88, 4, 19, 33, 49, 59, 78, 140, 167, 198, 199, 210, 239, 250, 280, 282, 288, 300, 329, 342, 391, 409, 427, 437, 441, 452, 456, 466, 470, 474, 478, 508, 513, 516, 527, 531). Four unnumbered, undated proposed amendments are contained in one folder following amendment 538.

A complete listing of Proposed Amendments to the Constitution, arranged

sequentially by number and showing amendment title, author, and date presented to the convention, follows. Proposed amendment titles are transcribed exactly as noted by convention secretary. Box and folder numbers are also indicated.

#	SUBJECT	AUTHOR	DATE INTRODUCED
(F3956:83, Amendments 1-3, 5-9)			
1	Prohibiting granting lisences to aliens	Dowling	October 9, 1878
2	Irrigation	Dowling	"
3	Supreme Court	Edgerton	"
*			
5	Discriminatory charges of railroads and vessels	Estee	"
6	Homestead exemption	Evey	"
7	Municipal corporations	Fawcett	"
8	Municipal corporations	Fawcett	"
9	Declaration of rights	Gregg	"
(F3956:84, Amendment 10)			
10	Proposed judicial system	Hager	"
(F3956:85, Amendments 11-18, 20-32)			
11	Corporations	Howard	"
12	Revenue and Taxation	Huestis	"
13	Corporations	Freud	"
14	Legislative Department	Freud	"
15	Excessive bails and fines	Hagher	"
16	State officers	Johnson	"
17	Chinese	Joyce	"
18	Chinese	Joyce	"
*			
20	Women's Suffrage	McFarland	"
21	Granting pardons	Moreland	"
22	Equal Taxation	Murphy	"
23	Employment of aliens	Nelson	"
24	Bill of Rights	Noel	"
25	Poll tax	O'Sullivan	"
26	Relative oath	Ringgold	"
27	Judiciary	Rolfe	"

28	Legislature--bills	Schell	"
29	Equal taxation	Schomp	"
30	Water rights	Ohleyer	"
31	Rights of foreign born citizens	Shoemaker	"
32	Bills of Attainder; Ex post facto laws, etc.	Shoemaker	"

(F3956:86, Amendments 34, 35)

34	Railroads and public highways	E. O. Smith	"
35	Revenue and Taxation	G. V. Smith	"

(F3956:87, Amendments 36-48, 50-52)

36	Education	H. W. Smith	"
37	Liability of contractors	Stedman	"
38	Taxation of vessels	Sweasey	"
39	Suffrage--"White male"	Sweasey	"
40	Equal land taxation	Swenson	"
41	Liability of stockholders in corporations	Swing	"
42	Voters	Thompson	"
43	Suffrage	Tully	"
44	Chinese	Turner	"
45	Trial Juries	Van Dyke	"
46	Taxation without representation	Tuttle	"
47	Freights and fares	Waters	"
48	Bank, mining, and other stocks	Wellin	"
*			
50	Duties of railroad officers	West	"
51	Preamble	Wickes	"
52	Members of legislature	White	"

(F3956:88, Amendments 53-58, 60-73)

53	Education	White	"
54	Taxation	Wilson	"
55	Education	Winans	"
56	Bill of Rights	LaRue	"
57	Grand jurors	LaRue	"
58	Freights and fares	Ayers	"
*			
60	Official bonds	McFarland	"
61	Salary of Governor	Keyes	"
62	Suffrage	Hitchcock	"

63	Irrigation	Hitchcock	"
64	Chinese	Ayers	Oct 10, 1878
65	Responsibility of bank directors	Ayers	"
66	Lobbying	Barbour	"
67	Education	Barnes	"
68	Chinese	Barbour	"
69	Pardoning power	Barry	"
70	Chinese	Barry	"
71	Assessments	Barton	"
72	Local Option	Barton	"
73	Hours of labor	Beerstecher	"

(F3956:89, Amendment 74)

74	State Department of Labor and Labor Statistics	Beerstecher	"

(F3956:90, Amendments 75-77, 79-90)

75	Taxation	Belcher	"
76	"Law Department"	Belcher	"
77	Property assessment	Biggs	"
*			
79	Education	Blackmer	"
80	Suffrage	Blackmer	"
81	Property rights	Brown	"
82	Railroad Commission	Campbell	"
83	Excessive bail	Caples	"
84	Labor and capital	Condon	"
85	Judiciary system	Cross	"
86	Declaration of rights	Crouch	"
87	Right of suffrage	Davis	"
88	Eligibility of office holders	Davis	"
89	Judicial department	Dean	"
90	Land	Dowling	"

(F3956:91, Amendments 91-111)

91	Mining	Dowling	"
92	Taxation	Dudley	"
93	Water and water rights	Dunlap	"
94	License tax	Eagon	"
95	Legislative department	Edgerton	"

96	Legislative department	Edgerton	"
97	Suffrage	Evey	"
98	Suffrage	Evey	"
99	Labor and capital	Farrell	"
100	Bill of Rights	Farrell	"
101	Pardoning power	Fawcett	"
102	Legislative sessions	Felcher	"
103	Legislative vacancies	Felcher	"
104	Land monopolies	Freeman	"
105	Federal relations	Freeman	"
106	Bill of Rights	Freud	"
107	Future amendments	Gorman	"
108	Privilege and elections	Grace	"
109	Female Suffrage	Grace	"
110	Equal taxation	Gregg	"
111	Liberty of speech, press	Gregg	"

(F3956:92, Amendments 112, 113)

112	Declaration of rights	Hager	"
113	Corporations and Eminent Domain	Estee	"

(F3956:93, Amendments 114-139, 141-147)

114	Power of legislature over corporations	Hale	"
115	Limit powers of legislature	Hall	"
116	Compulsory education	Harrison	"
117	Educational system	Harrison	"
118	Declaration of Rights	Harvey	"
119	Militia	Harvey	"
120	Militia	Heiskell	"
121	Pardoning power	Herold	"
122	Corporations	Herold	"
123	Legislature	Herrington	"
124	Alien's rights	Herrington	"
125	Public funds	Heustis	"
126	Taxation	Hughey	"
127	Public officers	Johnson	"
128	Eight hour law	Joyce	"
129	Number of senators	Joyce	"
130	Chinese	Kenny	"
131	Chinese immigration	Kleine	"
132	Compulsory education	Lavigne	"

133	Governor's veto power	Lewis	"
134	Divorce	Mansfield	"
135	Publication of laws	Martin	"
136	State and municipal indebtedness	Miller	"
137	Military affairs	Mills	"
138	State tax limit	Moreland	"
139	Banking insitutions	Moreland	"

*

141	Right of wife to administer estate of deceased husband	Mason	"
142	Legislative department	Mason	"
143	Land tenures	O'Sullivan	"
144	Rivers and lakes	O'Sullivan	"
145	Elective franchise	Reed	"
146	Declaration of rights	Reed	"
147	State Board of Supervisors	Rhodes	"

(F3956:94, Amendments 148-155)

148	State office vacancies	Shoemaker	"
149	Governor's veto of appropriation bills	Shoemaker	"
150	Taxation	Shoemaker	"
151	Corporation taxes	Shoemaker	"
152	State officer's salaries	Shoemaker	"
153	Preamble	Shurtleff	"
154	Restricting legislature	E. O. Smith	"
155	Redemption of tax sales	E. O. Smith	"

(F3956:95, Amendment 156)

156	Judiciary	G. V. Smith	"

(F3956:96, Amendment 157)

157	Private corporations	G. V. Smith	"

(F3956:97, Amendments 158-166, 168-176)

158	Taxation	Stedman	"
159	Legislative powers	Stedman	"
160	Prohibiting municipalities from holding stock in		

	corporations	Strong	"
161	Suffrage	Stuart	"
162	Hours of state labor	Thompson	"
163	Educational qualification for suffrage	Tully	"
164	Private property	Tully	"
165	Taxation	Vacquerel	"
166	Bill of Rights	Vacquerel	"
*			
168	Corporations	Van Voorhies	"
169	Suffrage	Van Voorhies	"
170	Preamble	Webster	"
171	Bill of Rights	Webster	"
172	Lake Bigler [Tahoe]	Wellin	"
173	Prohibit Chinese from holding lands	Wellin	"
174	Criminal prosecution	West	"
175	Corporations	Wickes	"
176	Interest of money	White	"

(F3956:98, Amendment 177)

177	Legislature	White	"

(F3956:99, Amendment 178, Article: Harbors, Tide Waters, and Navigable Streams)

178	Frontages of navigable water	Ayers	Oct 11, 1878

Became: Article--Harbors, Tide Waters, and Navigable Streams

(F3956:100, Amendments 179-194)

179	Land and homestead exemption	Ayers	"
180	Justices of peace	Barton	"
181	Taxation	Barton	"
182	Right to assemble	Beerstecher	"
183	Judicial/mortgage sales of land	Beerstecher	"
184	Legislative malfeasance	Bell	"
185	Education	Blackmer	"
186	Suffrage	Boggs	"
187	Revenue and Taxation	Caples	"
188	Preamble and Bill of Rights	Caples	"
189	Judicial department	Cross	"
190	Judicial department	Dowling	"
191	Corporations	Dowling	"
192	Mining stocks	Eagon	"

193	Legislature	Edgerton	"
194	Judicial department	Edgerton	"

(F3956:101, Amendments 195-197, 200-208)

195	Salary of judges	Evey	"
196	Suffrage	Farrell	"
197	Revenue and Taxation	Farrell	"
*			
200	Suffrage	Grace	"
201	Corporations	Grace	"
202	Declaration of rights	Gregg	"
203	Forbidding the appropriation of public monies and property for sectarian purposes	Huestis	"
204	Legislative department	Johnson	"
205	Banks	Joyce	"
206	Public officers	Joyce	"
207	Revenue and Taxation	Kleine	"
208	Judicial department	Laine	"

(F3956:102, Amendments 209, 211-220)

209	Legislative department	Laine	"
*			
211	Executive department	Martin	"
212	Amending the constitution	Martin	"
213	Corporations	McCallum	"
214	Education	McComas	"
215	Miscellaneous subjects	McComas	"
216	Municipal corporations	Noel	"
217	Education	O'Sullivan	"
218	Revenue and Taxation	O'Sullivan	"
219	Revenue and Taxation	Overton	"
220	Miscellaneous subjects	Reddy	"

(F3956:103, Amendments 221, 222)

221	Appropriation for orphans	Shoemaker	"
222	Public officials	Shoemaker	"

(F3956:104, Amendments 223-238)

223	Increasing salaries of officials	H. W. Smith	"
224	Religious teaching in public		

	schools	H. W. Smith	"
225	Municipal corporations	Stedman	"
226	Taxation of corporations	Swensen	"
227	Taxation	Tully	"
228	Schedule	Tully	"
229	Flags	Tuttle	"
230	Miscellaneous subjects	Vacquerel	"
231	Common school fund	Webster	"
232	Wages of laborers and mechanics	Wellin	"
233	Preamble and Bill of Rights	Wickes	"
234	Education	Wickes	"
235	Rights of women	White	"
236	Miscellaneous subjects	White	"
237	Preamble	Wilson	"
238	Bill of Rights	Wyatt	"

(F3956:105, Amendments 240, 241)

240	Warehouses	Beerstecher	Oct 14, 1878
241	Taxation	Beerstecher	"

(F3956:106, Amendments 242-249, 251-259)

242	Education	Blackmer	"
243	Law of succession	Blackmer	"
244	Legislative department	Brown	"
245	Juries	Caples	"
246	Jury system	Caples	"
247	Education	Chapman	"
248	Taxation	Chapman	"
249	Judicial System	Condon	"
*			
251	Legislative department	Dowling	"
252	Legislative department	Dowling	"
253	Legislative department	Farrell	"
254	Education	Farrell	"
255	Legislative department	Fawcett	"
256	Preamble and Bill of Rights	Fawcett	"
257	Bill of Rights	Freud	"
258	Special legislation	Freud	"
259	Legislative department	Grace	"

(F3956:107, Amendments 260-272)

260	Revenue and Taxation	Harrington	"
261	Legislative department	Harrington	"
262	Judiciary	Holmes	"
263	Judiciary	Hughey	"
264	Bill of Rights	Hughey	"
265	Executive department	Joyce	"
266	Chinese	Kleine	"
267	Common schools	LaRue	"
268	Powers of legislature to contract debts	LaRue	"
269	Legislative department	Lindow	"
270	Executive department	Lindow	"
271	Property tax exemption	Mansfield	"
272	Judicial officers	Mansfield	"

(F3956:108, Amendments 273-279, 281)

273	General provisions	Martin	"
274	Judical department	Martin	"
275	Judicial department	McCallum	"
276	Assessors and Revenue collectors	Moreland	"
277	Suffrage	Neunaber	"
278	Militia	Neunaber	"
279	Corporations	O'Donnell	"
*			
281	Ineligibility to office	O'Sullivan	"

(F3956:109, Amendment 283)

283	Amended Schedule	Shoemaker	"

(F3956:110, Amendments 284-287, 289-297)

284	English only (laws)	Shoemaker	"
285	Water Rights Commission	G. V. Smith	"
286	Executive department	H. Smith	"
287	System of gradual taxation	Swenson	"
*			
289	Revenue and Taxation	Townsend	"
290	Legislative department	Townsend	"
291	Judicial department	Tully	"
292	Chinese	Tuttle	Oct 12, 1878
293	Taxation	Tuttle	Oct 14, 1878
294	Pardoning power	Vacquerel	"
295	Suffrage	Wellin	"

296	Taxation	Wellin	"
297	Moral instruction	Wickes	"

(F3956:111, Amendments 298, 299, 301-304)

298	Corporations	White	"
299	Executive department	White	"
*			
301	Terms of office	Shoemaker	"
302	State credit	Shoemaker	"
303	State Board of Equalization	Shoemaker	"
304	Corporations	O'Donnell	Oct 12, 1878

(Box 10)

(F3956:112, Amendments 305-309)

305	Bill of Rights	McConnell	Oct 14, 1878
306	Suffrage	McConnell	"
307	Executive department	McConnell	"
308	Legislative department	McConnell	"
309	Judiciary	McConnell	"

(F3956:113, Amendments 310-317)

310	Judiciary	McConnell	"
311	Military	McConnell	"
312	Revenue and Taxation	McConnell	"
313	Township and county organization	McConnell	"
314	Corporations	McConnell	"
315	Education	McConnell	"
316	Amending and revising the constitution	McConnell	"
317	Miscellaneous subjects	McConnell	"

(F3956:114, Amendments 318-328)

318	Military affaris	Beerstecher	Oct 15, 1878
319	Taxation	Beerstecher	"
	Followed by amendment to Amendment 319	Beerstecher	Oct 23, 1878
320	Libels	Murphy	Oct 15, 1878
321	Chinese	O'Donnell	"
322	Grand jury system	Mansfield	"
323	Future amendments	White	[unstated]

324	Executive department	Schell	Oct 15, 1878
325	Revenue and Taxation	O'Donnell	"
326	Importation of coolies, criminals paupers, lepers, and immoral women prohibited	O'Sullivan	"
327	Prohibit employment of chaplains in state institutions	O'Sullivan	"
328	Legislative department	Evey	"

*

(F3956:115, Amendments 330-341, 343-347)

330	Revenue and Taxation	Grace	"
331	Suffrage	Sweasey	"
332	Legislative department	Gorman	"
333	Legislative department	Grace	"
334	Grand juries	Huestis	"
335	Jury system	Huestis	"
336	Privileges and elections	Lavigne	"
337	Water rights	Lavigne	"
338	Corporation stocks	Martin	"
339	Legislative department	O'Donnell	"
340	Corporations	O'Donnell	"
341	Contents and order of the articles of the consitution	McConnell	"

*

343	Suffrage	McComas	"
344	Corporations	Dowling	"
345	Mining	Dowling	"
346	Taxation	Howard	"
347	Bill of Rights	Hager	"

(F3956:116, Amendments 348-370)

348	Judiciary	Hager	[unstated]
349	Counties	Boucher	Oct 16, 1878
350	Board of Prison Directors	Campbell	Oct 17, 1878
351	County and town government	Shafter	"
352	Chinese	Miller	"
353	Licensing corporations	Larkin	"
354	Legislative department	Weller	Oct 18, 1878
355	School and university endowments	J. W. Martin	"
356	Legislative department	Weller	"
357	Preamble and Bill of Rights	Wickes	"
358	Suffrage	Van Voorhies	"

359	Legal tender	Wyatt	Oct 19, 1878
360	Taxation	Freeman	"
361	Taxation	Rhodes	"
362	Water rights	Tinnin	"
363	Water rights	Tinnin	"
364	Water privileges	Tinnin	"
365	Judicial department	Edgerton	"
366	Miscellaneous subjects	E. O. Smith	"
367	Judicial department	Schell	"
368	Legislative department	Dowling	"
369	Future amendments	Blackmer	"
370	Lobbying	Wickes	"

(F3956:117, Amendments 371-390, 392)

371	Taxation	Tuttle	"
372	Corporations	Vacquerel	"
373	Legislation	Grace	"
374	Lieutenant governor	Stedman	"
375	Penal colony	Cross	"
376	Boards of supervisors	Burt	Oct 21, 1878
377	Bill of Rights	Edgerton	Oct 22, 1878
379	Revenue and Taxation	Filcher	"
380	University of California	Van Dyke	"
381	Education	H. W. Smith	"
382	Declaration of rights	Schell	"
383	University	Webster	"
384	Taxation	Stuart	"
385	Embezzlement	Thompson	"
386	Juries	Caples	"
387	Legislature	Weller	"
388	Chinese	O'Donnell	"
389	Electors	Condon	"
390	Chinese	Joyce	"
*			
392	Graduated, progressive taxation	O'Sullivan	"

(F3956:118, Amendments 393-401)

393	Declaration of Rights	Dudley	Oct 23, 1878
394	Filling public offices	Dudley	"
395	Taxes	Ayers	"
396	Capital and Labor	Condon	"
397	Bill of Rights	Beerstecher	"
398	Appropriations	E. O. Smith	"

399	Adjudication of claims against the state	Martin	"
400	Revenue and Taxation	Hager	"
401	City and County Organization	Casserly	Oct 24, 1878

(F3956:119, Amendment 402, Article: Preamble and Bill of Rights)

402	Preamble and Bill of Rights	Committee on Preamble and Bill of Rights	Oct 24, 1878

(F3956:120, Amendments 403-421)

403	Selling of goods under false pretenses, punished as felony	Bell	Oct 26, 1878
404	Judiciary	Barton	"
405	Education	Lindow	"
406	Land and Homestead Exemption	E. O. Smith	"
407	Mechanic's Liens	McCallum	"
408	Revising the constitution	Shoemaker	"
*			
410	Public Schools	Jones	"
411	City, County, and Townships	Moreland	"
412	Water and Water Rights	O'Sullivan	"
413	Public Offices	O'Sullivan	"
414	Miscellaneous Provisions	Harvey	"
415	Militia	Harvey	"
416	Miscellaneous Provisions	Condon	"
417	Apprentice Law	Herold	"
418	Taxation	Heughey	"
419	Foreigners	Freeman	"
420	Preamble and Bill of Rights	Mansfield	"
421	Person ineligible for citizenship	Ringgold	"

(F3956:121, Amendment 422)

422	City, County, and Township Organization	Hager	"

(F3956:122, Amendments 423-443)

423	Foreigners ineligible for	Estee	Oct 28, 1878
424	Legislative Department	Herrington	"
425	Legislative Department	Herrington	"
426	Special Judges	Graves	"
*			

428	Irrigation	Dowling	"
429	City, County, and Township Organization	Vacquerel	"
430	Homesteads	Barton	"
431	Fiscal year	Hilborne	"
432	Intermarriage	Stedman	"
433	Chinese	O'Donnell	"
434	City, County, and Township Organization	Rolfe	Oct 29, 1878
435	Legislative Department	Evey	"
436	Public Highways	Evey	"
*			
438	San Francisco	Dowling	"
439	Revenue and Taxation	Herrington	"
440	Public school teachers	Doyle	"
*			
442	Amending the constitution	Shafter	"
443	Arrests and attachments	Howard	"

(Box 11)

(F3956: 123-124, Amendment 444, Article: Corporations)

444	Corporations	Committee on Corporations other than Municipal	Oct 30, 1878

(F3956:125, Amendment 445, Article: Pardoning Power)

445	Pardoning Power	Committee on Pardoning Power	Oct 30, 1878

(F3956:126, Amendments 446-453)

446	Illegitimate children	Beerstecher	"
447	Court of Claims	Tinnin	"
448	State Institutions	Freud	"
449	State Board of Education	Wickes	"
450	Mining	Dowling	"
451	Corporations	Hale	"
*			
453	Local Government	Herrington	"

(F3956:127, Amendment 454, Article: Chinese)

454	Chinese	Committee on	

		Chinese	Oct 31, 1878

(F3956:128, Amendment 455)

455	Judicial Department	Nelson	Oct 31, 1878
*			

(F3956:129, Amendments 457-467)

457	Judiciary	Barbour	"
458	Corporations	McConnell	"
459	Claims against the state	Barnes	"
460	State Board of Education	Wickes	"
461	Corporations	Vacquerel	"
462	Bigamy and polygamy	Dowling	"
463	Officers	Wellin	Nov 1, 1878
464	Legislature	Casserly	"
465	State Institutions	Freud	"
*			
467	City, County, and Township Organization	Vacquerel	"

(F3956:130, Amendment 468, Article: Executive Department)

468	Executive Department	Committee on Executive Dept.	Nov 2, 1878

(F3956:131, Amendments 469-484)

469	Common Schools	Huestis	Nov 2, 1878
*			
471	Labor and Capital	Howard	"
472	Street assessments	Reynolds	"
473	Registration of voters	Andrews	"
*			
475	Secret tribunals	O'Sullivan	"
476	Labor and capital	Harvey	"
477	Husband insure his life for heirs	E. O. Smith	Nov 4, 1878
*			
479	City, County, and Township Organization	Miles	"
480	Legislative Department	Mills	"
481	Preamble and Bill of Rights	Mills	"
482	Miscellaneous Provisions	Freud	"
483	United States Senators	Tully	"

484	Pardoning Power	Grace	Nov 5, 1878

(F3956:132, Amendment 485, Article: Militia)

485	Militia	Committee on Military Affairs	Nov 5, 1878

(F3956:133, Amendments 486-500)

486	Board of Public Commerce, S.F.	Doyle	Nov 6, 1878
487	County seats (moving)	E. O. Smith	"
488	Permanent state capital	O'Donnell	"
489	Gambling prohibited	O'Sullivan	Nov 7, 1878
490	Legislative Department	McCoy	"
491	Secret sessions, grand juries	Ringgold	"
492	Sale of positions	Dowling	"
493	State officers, appear before legislature	Tinnin	Nov 8, 1878
494	Disposition of property	Lavigne	"
495	Municipal taxation of adjacent farm lands prohibited	E. O. Smith	"
496	Fees and salaries of officers	Barbour	"
497	City, County, and Township Organization	Hager	"
498	Railroads	Hughey	Nov 9, 1878
499	United States currency	Barton	"
500	Education	E. Barry	"

(F3956:134-135, Amendment 501, Article: Legislative Department)

501	Legislative Department	Committee on Legislative Dept.	Nov 11, 1878

(Box 12)

(F3956:136, Amendment 502)

502	Railroads	Herrington	"

(F3956:137-138, Amendment 503, Article: Judicial Department)

503	Judicial Department	Committee on Judicial Dept.	Nov 11, 1878

(F3956:139, Amendment 504, Article: Right of Suffrage)

504	Right of Suffrage	Committee on Suffrage	Nov 13, 1878

(F3956:140, Amendments 505-509)

505	Gas and Water companies	Reynolds	"
506	Uniform taxation	E. O. Smith	"
507	Civil service reform	Freud	"
*			
509	Corporations other than municipal, supplementary report of committee	[See Amendment 444, Box 11]	

(F3956:141, Amendment 510, Article: Revenue and Taxation)

510	Revenue and Taxation	Committee on Revenue & Taxation	Nov 18, 1878

(F3956:142, Amendments 511-512)

511	What land will escheat to the state	E. O. Smith	Nov 20, 1878
512	Acquisition and alienation of land	Davis	Nov 21, 1878
*			

(F3956:143, Amendment 514, Article: Water and Water Rights)

514	Water and Water Rights	Committee on Water and Water Rights	Nov 22, 1878

(F3956:144, Amendment 515, Article: State Institutions and Public Buildings)

515	State Institutions and Public Buildings	Committee on State Institutions and Public Buildings	Nov 23, 1878

(F3956:145, Amendments 517-520)

*			
517	Hiring of labor	Thompson	Dec 4, 1878
518	Railroad Commissioners	Herrington	"
519	Banks of navigable waters are		

	public highways	Ringgold	"
520	Corporations	Vacquerel	Dec 6, 1878

(F3956:146-147, Amendment 521, Article: Cities, Counties, and Towns)

521	City, County, and Township Organization	Committee on City, County, and Township Org.	Dec 7, 1878

(F3956:148, Amendment 522)

522	Local Option (clause of article on City, County, and Township Organization, amendment 521)	Committee on City, County, and Township Org.	Dec 7, 1878

(Box 13)

(F3956:149, Amendment 523, Article: Education)

523	Education	Committee on Education	Dec 13, 1878

(F3956:150, Amendment 524, Article: Land and Homestead Exemption)

524	Land and Homestead Exemption	Committee on Land and Homestead Ex.	Dec 14, 1878

(F3956:151, Amendment 525)

525	Water and water rights	H. W. Smith	Dec 20, 1878

(F3956:152, Amendment 526, Article: Amending and Revising the Constitution)

526	Amending and Revising the Constitution	Committee on Future Amendments	Dec 21, 1878

(F3956:153, Amendments 528-530)

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528	Revenue and taxation	Dudley	Dec 24, 1878
529	Insurance	Wellin	Jan 2, 1879
530	Trademarks	Wellin	Jan 4, 1879

(F3956:154, Amendment 532, Article: Schedule)

532	Schedule	Committee on the Schedule	Jan 18, 1879

(F3956:155, Amendment 533)

533	State Indebtedness	Casserly	Jan 22, 1879

(F3956:156, Amendment 534, Article: The Boundary)

534	Boundary	Committee on the Boundary	Jan 24, 1879

(F3956:157, Amendment 535, Article: Miscellaneous Subjects)

535	Miscellaneous Subjects	Committee on Misc. Subjects	Jan 25, 1879

(F3956:158, Amendment 536, Article: Distribution of Powers)

536	Distribution of Powers	McCallum	Jan 28, 1879

(F3956:159, Amendment 537, Article: State Indebtedness)

537	State Indebtedness	Committee on State Indebtedness	Jan 30, 1879

(F3956:160, Amendment 538)

538	Water Rights	Barbour	[n.d.]

(F3956:161, Amendments unnunbered and unidentified)

[1]	Land ownership; natuaralized citizens (amendment proposed in Comm. of the Whole?)	[unstated]	[n.d.]
[2]	Taxation of corporations	[unstated]	[n.d.]
[3]	Revenue and Taxation	H. C. Wilson	[n.d.]
[4]	Revenue and Taxation	H. C. Wilson	[n.d.]

9. Amended Articles Reported by the Committee on Revision and Adjustment. 3 file folders. F3956:162-164

After the convention finally adopted each article, they referred the articles to the Committee on Revision and Adjustment. The committee made sure that all revisions and adjustments made during the amendment process were properly incorporated and noted. The Committee on Revision and Adjustment reported

back every article of the new constitution to the delegation on February 27, 28, March 1, and 3, 1879. From the Committee on Revision and Adjustment, the articles went to the Committee on Reporting and Printing for final enrollment in the constitution.

Three Committee on Revision and Adjustment reports, arranged chronologically according to the date reported to the convention.

Files contain Committee on Revision and Adjustment reports of:

February 27, 1879

February 28, 1879, including articles I, V, VII, VIII, XIX, XXI, and XIV.

March 1, 1879, including articles II, III, IV, VI, IX, X, XI, XII, XIII, XV, XVI, XVII, XVIII, XX, XXII.

10. Printer's Drafts of Articles. 10 file folders. F3956:165-174

As with legislative bills, at every stage of article construction and amendment--first draft, Committee of the Whole amendment, first and second reading amendment--articles were printed and reprinted at the state printing office (then located near the capital at 15th and L streets).

Arranged sequentially by original article amendment number (before constitutional article number applied). Does not include every article of the finished constitution.

Files contain extant printer's drafts of:

First draft, proposed amendment 524 (1 ff).

Articles amended in Committee of the Whole, including proposed amendments 178, 402, 414, 454, 485, 501, 503, 504, 510, 514, 515, 521, 523, 524, 532, 535, 536, 537 (5 ff).

Articles amended in convention, including proposed amendments 178, 402, 444, 454, 468, 485, 501, 503, 504, 510, 514, 515, 521, 523, 524, 526, 532, 534, 535, 536, 537 (4 ff)

11. Convention Minutes. 126 file folders. F3956:175-300

The convention minute clerk recorded each day's business of the convention--including all roll-call votes, resolutions, petitions, motions to amend rules, and amendments--in the Minutes. After daily adjournment, the journal clerk would

record and verify the Minutes (with a blue check mark) for entry in the journal. With the exception of the Minutes for Tuesday, February 25, 1879, the Minutes are extant for the remaining 126 days that the convention met.

F3956:175-183
September 28, 1878 to October 8, 1878

F3956:184-198
October 9, 1878 to October 26, 1878

F3956:199-222
October 28, 1878 to November 23, 1878

F3956:223-243
November 25, 1878 to December 21, 1878

F3956:244-271
December 23, 1878 to January 25, 1879

F3956:272-283
January 27, 1879 to February 8, 1879

F3956:284-293
February 10, 1879 to February 20, 1879

F3956:294-300
February 21, 1879 to March 3, 1879

APPENDIX A: LISTS OF DELEGATES

DELEGATES ELECTED ON THE NON-PARTISAN TICKET. (Delegates representing a Congressional District were elected "At large.")

NAME	BIRTHPLACE	RESIDENCE	AGE	OCCUPATION	POLITICAL PARTY	COUNTY OR CONGRESS. DISTRICT REPRESENTED
Alexander R. Andrews	Kentucky	Shasta City	49	Lawyer*	Democrat	Trinity/Shasta
James J. Ayers	Scotland	Los Angeles	48	Editor	Democrat	4th District
William H. L. Barnes	Mass.	San Francisco	46	Lawyer	Republican	1st District
Isaac S. Belcher	Vermont	Marysville	53	Lawyer*	Republican	3rd District
Marion Biggs	Missouri	Biggs Station	55	Farmer*	Democrat	3rd District
H. C. Boggs	Missouri	Lakeport	58	Farmer	Democrat	Napa/Lake/Son.
Josiah Boucher	Penn.	Chico	59	Farmer	Republican	Butte
Samuel B. Burt	New York	Bath	50	Mining*	Republican	Placer
Alexander Campbell	Jamaica	Oakland	58	Lawyer*	Republican	Alameda
James Caples	Ohio	Sacramento	55	Farmer	Democrat	Sacramento
Eugene Casserly	Ireland	San Francisco	56	Lawyer*	Democrat	1st District
Augustus H. Chapman	New York	Chico	51	Lumb'r dlr	Republican	Plu/Lass/Butte
James M. Charles	Penn.	Vallejo	69	Rancher	Republican	Sonoma
David H. Cowden	Penn.	Marysville	39	Lawyer*	Republican	Yuba
W. L. Dudley		Stockton		Lawyer	Republican	San Joaq/Amadr
Presley Dunlap	Penn.	Sacramento	61	Lawyer	Democrat	Sacramento
John A. Eagon	Virginia	Jackson	51	Lawyer*	Republican	Amador
Henry Edgerton	Vermont	Sacramento		Lawyer*	Republican	2nd District
Morris M. Estee	Penn.	San Francisco	45	Lawyer*	Republican	1st District
Thomas H. Estey	Mass.	Nicasio	52	Farmer	Republican	Contra C/Marin
Eugene Fawcett	Ohio	Santa Barbara	33	Lawyer*	Republican	Santa Barbara
Joseph A. Filcher	Iowa	Auburn	33	Journalist	Democrat	Placer
Abraham C. Freeman	Illinois	Sacramento	35	Lawyer	Republican	Sacramento

Benjamin B. Glascock	Missouri	Spring Valley	35	Farmer	Democrat	Colusa
William J. Graves	Virginia	San Luis Obispo	48	Lawyer*	Democrat	4th District

(C) William J. Howard--convention elected to fill vacancy caused by death of J. M. Strong.
(C)J. West Martin--convention elected to fill vacancy caused by death of H. H. Haight, elected delegate who died before convention convened.

John S. Hager	New Jersey	San Francisco	56	Lawyer*	Democrat	1st District
James E. Hale	Penn.	Auburn	54	Lawyer*	Republican	2nd District
John B. Hall	Maryland	Stockton	59	Lawyer	Democrat	2nd Dsitrict
John R. W. Hitchcock	Virginia	Castoria	53	Farmer	Democrat	San Joaquin
Joseph P. Hoge	Penn.	San Francisco	65	Lawyer*	Democrat	1st District
William J. Howard **(C)**				Lawyer*	Democrat	Mariposa/Merced
Wilbur F. Huestis	Virginia	Eureka	42	Leg. Clerk	Republican	3rd District
Daniel Inman	Tennessee	Livermore	51	Farmer*	Ind. Dem.	Alameda
George A. Johnson	Maryland	Santa Rosa	49	Lawyer*	Democrat	Sonoma
Lewis Fuller Jones	New York	Mariposa City	57	Lawyer	Democrat	Marip/Mer/Stan
John M. Kelly	Missouri	Woodland	53	Farmer*	Democrat	3rd District
Thomas H. Laine	Missouri	Santa Clara	46	Lawyer*	Democrat	Santa Clara
Royal Mills Lampson	Vermont	Chinese Camp	47	Physician	Republican	Tuolum/Calaver
Hugh M. La Rue	Kentucky	Sacramento	48	Farmer	Democrat	2nd District
David Lewis	Vermont	Douglas	50	Rancher	Republican	San Joaquin
John Mansfield	New York	Los Angeles	56	Lawyer	Republican	4th District
Edward Martin	England	Watsonville	45	Merchant	Republican	4th District
J. West Martin **(C)**	Maryland	Oakland	56	Banker	Democrat	2nd District
John G. McCallum	Indiana	Oakland	48	Lawyer*	Ind. Rep.	Alameda
Rush McComas	Virginia	Santa Clara	48	Farmer*	Republican	Santa Clara
Thomas McConnell	Vermont	Sacramento	51	Rancher	Republican	Sacramento
Thomas B. McFarland	Penn.	Sacramento	50	Lawyer*	Republican	Sacramento
John F. McNutt	Tennessee	Smartsville	63	Carpenter	Democrat	Yuba
John F. Miller	Indiana	San Francisco	47	Lawyer*	Republican	1st District
William W. Moreland	Arkansas	Healdsburg	33	Lawyer	Democrat	Sonoma

(C)(d) James M. Strong--convention elected to fill vacancy caused by death of George M. Hardwick, elected delegate who died before the convention convened. Strong then died and the convention elected William J. Howard to replace him.
(C) Smith B. Thompson--convention elected to fill vacancy caused by resignation of Thomas Morris, elected Workingmen delegate who was disqualified because he was not a citizen.

James E. Murphy	Maine	Crescent City	32	Lawyer*	Democrat	Del Norte
George Ohleyer	Germany	Yuba City	47	Farmer†	Democrat	Sutter
Albert P. Overton	Missouri	Santa Rosa	48	Lawyer*	Democrat	3rd District
J.M. Porter				Lawyer	Republican	2nd District
William H. Prouty	Ohio	Ione	41	Farmer†	Democrat	Amador
Mark R. C. Pullman	Missouri	Cherokee	54	Mining Co.	Democrat	Butte
Patrick Reddy	New York	Independence	39	Lawyer	Democrat	Mono/Inyo
George W. Schell	New York	Modesto	41	Lawyer*	Republican	4th District
Justus Schomp	Ohio	Acampo	43	Farmer	Republican	San Joaquin
James M. Shafter	Vermont	Marin Co./S.F.	62	Lawyer*	Republican	3rd District
Rufus Shoemaker	Mississippi	Grass Valley	48	Journalist	Democrat	2nd District
Benjamin A. Shurtleff	Mass.	Napa City	57	Physician*	Republican	3rd District
Edward O. Smith	Maryland	San Jose	61	Farmer	Democrat	Santa Clara
George V. Smith	Kentucky	Bakersfield	35	Lawyer	Republican	4th District
George Steele	New York	San Luis Obispo	53	Farmer*	Republican	San Luis Ob.
David C. Stevenson	Ohio	Millville	57	Merchant	Republican	Sis/Mo/Tr/Sha
James M. Strong **(C)(d)**	Georgia	Hopeton	47	Farmer	Democrat	Mariposa/Merced
Charles V. Stuart	Penn.	Glen Ellen	59	Farmer	Republican	Sonoma
David S. Terry	Mississippi	Stockton	51	Lawyer*	Democrat	San Joaquin
Smith B. Thompson **(C)**	New York	San Francisco	57	Educator/Carpenter	Republican	San Francisco
Wiley J. Tinnin	Mississippi	Weaverville	49	Merchant*	Democrat	3rd District
Pleasant B. Tully	Tennessee	Gilroy	49	Lawyer	Democrat	4th District
Henry K. Turner	Maine	Sierra Valley	50	Farmer*	Republican	Sierra
Walter Van Dyke	New York	Oakland	55	Lawyer*	Republican	2nd District

William Van Voorhies	Tennessee	Oakland	58	Lawyer*	Democrat	Alameda
Byron Waters	Georgia	San Bernadino	29	Lawyer*	Democrat	4th District
Jonathan V. Webster	Tennessee	Brooklyn	48	Farmer†	Ind. Dem.	Alameda
Joseph R. Weller	New Jersey	Milpitas	59	Farmer	Republican	Santa Clara
Samuel M. Wilson	Ohio	San Francisco	54	Lawyer	Democrat	1st District
Joseph W. Winans	New York	San Francisco	58	Lawyer	Republican	1st District

*Had previously served in the legislature or judicial system of California, another state, or at the federal level.

†Had previously, or was currently a member of the Grange (state or county level).

DELEGATES ELECTED ON THE WORKINGMEN TICKET.

******Edward Evey and John P. West--nominated by Farmers, endorsed by Workingmen. **(d)**Bernard F. Kenny--died during convention. **(C)**John J. Kenny--convention elected to replace Bernard.

NAME	BIRTHPLACE	RESIDENCE	AGE	OCCUPATION	FORMER POLITICAL PARTY	COUNTY REPRESENTED
Clitus Barbour	Illinois	San Francisco	41	Lawyer†	Republican	San Francisco
Edward Barry	Australia	Downieville	31	Lawyer	Republican	Nevada/Sierra
James N. Barton	Ohio	Ferndale	48	Farmer*	Democrat	Mend/Hum/Del N.
Charles J. Beerstecher	Germany	San Francisco	28	Lawyer†	Republican	San Francisco
Peter Bell	Scotland	San Francisco	33	Painter†	Democrat	San Francisco
John D. Condon	Ireland	San Francisco	32	Cabinet mkr†	Democrat	San Francisco
Charles W. Cross	New York	Nevada City	30	Lawyer	Republican	Nevada
Hamlet Davis	Kentucky	Truckee	69	Merchant	Democrat	Nevada
James E. Dean	Rhode Island	Placerville	41	Mining	Republican	El Dor/Alpine
Patrick T. Dowling	Ireland	San Francisco	30	Mining†	Democrat	San Francisco
Luke D. Doyle	Ireland	San Francisco	60	Gardener†	Democrat	San Francisco
Edward Evey**	Maryland	Anaheim	65	Farmer*	Democrat	Los Angeles

Simon J. Farrell	Mass.	San Francisco	25	Businessman†	Democrat	San Francisco
Charles G. Finney, Jr.	New York	San Buenaventura	48	Lawyer/Farmer	Republican	Ventura
Jacob R. Freud	New York	San Francisco	21	Merchant†	[none]	San Francisco
Joseph C. Gorman	Ireland	San Francisco	35	Eng/Tinner†	Republican	San Francisco
William P. Grace	Tennessee	San Francisco	41	Carpenter†	Republican	San Francisco
Thomas Harrison	England	San Francisco	41	Rigger†	Democrat	San Francisco
Conrad Herold	Germany	San Francisco	47	Grocer†	Democrat	San Francisco
Dennis W. Herrington	Indiana	Santa Clara	52	Lawyer*	Republican	Santa Clara
William P. Hughey	Kentucky	San Francisco	47	Sign painter	Democrat	San Francisco
George W. Hunter	Indiana	Spanish Dry Diggings	49	Merchant*	Democrat	El Dor/Alpine
Peter J. Joyce	Ireland	San Francisco	39	Furniture dlr†	Ind.	San Francisco
Bernard F. Kenny **(d)**	California	San Francisco	24	Telegrapher†	Democrat	San Francisco
John J. Kenny **(C)**		San Francisco		Merchant	Democrat	San Francisco
Charles R. Kleine	Germany	San Francisco	48	Shoemaker/Minister	Rep.	San Francisco
Henry Larkin	New York	Diamond Springs	52	Farmer*	Democrat	El Dorado
Raymond Lavigne	France	San Francisco	30	Lithographer†	Democrat	San Francisco
John F. Lindow	Germany	San Francisco	45	Tailor†	Republican	San Francisco
John McCoy	Penn.	North San Juan	41	Mining	Republican	Nevada
William S. Moffatt	New York	Woodside	60	Farmer	Democrat	San Mateo
Lucius D. Morse	Vermont	San Mateo	56	Physician	Republican	San Mateo/S.F.
Thorvald K. Nelson	Norway	San Francisco	30	Wood turner†	Republican	San Francisco
Henry Neunaber	Germany	San Francisco	40	Merchant	Republican	San Francisco
Charles C. O'Donnell	Maryland	San Francisco	44	Physician†	Independent	San Francisco
James O'Sullivan	Ireland	San Francisco	53	Editor†	Independent	San Francisco
James S. Reynolds	New York	San Francisco	47	Lawyer†	Republican	San Francisco
Charles S. Ringgold	Maryland	San Francisco	46	Advert. sales†	Democrat	San Francisco
Henry W. Smith	Maine	San Francisco	40	Plumber†	Republican	San Francisco
Ezra P. Soule	Ohio	Susanville	51	Milling	Republican	Plumas/Lassen
John C. Stedman	California	San Francisco	28	Accountant†	Independent	San Francisco
William J. Sweasey	England	Eureka	73	Merchant*	Independent	Humboldt
Charles Swenson	Denmark	San Francisco	31	Seaman/Inn keeper	Rep.	San Francisco
Daniel Tuttle	Ohio	Pajaro	55	Farmer	Republican	Santa Cruz

Alphonse P. Vacqueral	France	San Francisco	37	Seaman/Cook†	Republican	San Francisco
Hugh Walker	Canada	Olema	35	Merchant	Republican	Marin
Patrick M. Wellin	Ireland	San Francisco	42	Carpenter†	Independent	San Francisco
John P. West**	Ireland	Compton	53	Farmer*	Republican	Los Angeles
William F. White	Ireland	Watsonville	56	Farmer	Democrat	S. Crz/Mntr/S.Benito
John T. Wickes	Maryland	Grass Valley	43	Teacher	Democrat	Nevada
Nathaniel G. Wyatt	Missouri	Salinas City	50	Lawyer*	Democrat	Monterey

*Had previously served in the legislature or judicial system of California, another state, or at the federal level.
†Active member or officer of the Workingmen's Party of California, or the Workingmen's Party of the United States.

DELEGATES ELECTED ON THE REPUBLICAN, DEMOCRATIC, AND INDEPENDENT TICKETS

NAME	BIRTHPLACE	RESIDENCE	AGE	OCCUPATION	PARTY	REPRESENTED
Eli T. Blackmer	Mass.	National City	47	Music Instr.	Republican	San Diego
Robert Crouch	Ohio	Napa City	55	Lawyer*	Republican	Napa
Jonathan M. Dudley	New York	Dixon	48	Farmer*	Republican	Solano
V. A. Gregg	Iowa	Bakersfield	34	Lawyer	Republican	Kern
John A. Harvey	New York	Vallejo	40	Lawyer	Republican	Solano
Samuel G. Hilborn	Mass.	Vallejo	43	Lawyer/Real Est.*	Rep.	Solano
James H. Keyes	Connecticut	Nicolaus	47	Farmer	Republican	Yuba/Sutter
Hiram Mills	New York	Martinez	48	Lawyer/Farmer	Republican	Contra Costa
Charles F. Reed	Mass.	Knights Landing	52	Farmer/Eng.*	Republican	Solano/Yolo
John M. Rhodes	Ohio	Woodland	62	Farmer/Miller	Republican	Yolo
Horace C. Rolfe	(the east)	San Bernadino	33	Lawyer*	Republican	San Bern/San D.
Jehu Berry	Ohio	Yreka	52	Lawyer*	Democrat	Siskiyou/Modoc
Joseph C. Brown	Kentucky	Tulare Co.	57	Educator/Farmer*	Democrat	Tulare
James B. Garvey	Penn.	San Andreas	35	Educator/Dpty Shrf	Democrat	Calaveras
Tyler D. Heiskell	Virginia	Oak Dale	55	Farmer*	Democrat	Stanislaus
Samuel A. Holmes	N. Carolina	Borden	48	Farmer	Democrat	Fresno
Volney E. Howard	Maine	San Gabriel	69	Lawyer*	Democrat	Los Angeles

Randolph S. Swing	Ohio	San Bernadino	33	Lawyer	Democrat	San Bernadino
Ferdinand O. Townsend	New York	Ukiah	33	Farmer	Democrat	Mendocino
John Walker	N. Carolina	Sonora	53	Physician	Democrat	Tuolumne
Henry C. Wilson	Kentucky	Tehama City	51	Farmer	Democrat	Tehama
Edmund Nason	New Hampshire	San Felipe	53	Farmer	Independent	San Benito
Alonzo E. Noel	Tennessee	Lakeport	46	Lawyer	Independent	Lake

(both Nason and Noel were formerly Republicans)

*Had previously served in the legislature or judicial system of California, another state, or at the federal level.

with the balance of the file. There are just two propositions—schedule and State boundary. I hope that the motion will not prevail.

MR. HAGER. Mr. President: We have not got through the file. We have to go through it before we commence at the top again. The rule is to put engrossed bills at the top of the file, but we must go through the calendar before we get back to the top. That is the ordinary rule.

MR. MCCALLUM. The rule says that they shall be taken up in order. The Chair can decide it as a point of order. My point of order is, that that which is at the head of the file comes first in order.

THE PRESIDENT. The Convention has unanimously dispensed with that order.

MR. MCCALLUM. I object to that any farther.

THE PRESIDENT. The Chair decides that the point of order is not well taken.

MR. MCCALLUM. I will submit to the ruling of the Chair, in order that the gentleman may see the effect of it.

SCHEDULE.

THE PRESIDENT. The Convention will proceed to the consideration of the report of the Committee on Schedule. The Secretary will read the amendments of the Committee of the Whole.

THE SECRETARY read all the amendments proposed by the Committee of the Whole, and then the amendment to section two, as follows:

INSTRUMENTS.

"SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution."

Concurred in.

THE PRESIDENT. The Secretary will read the amendment to section four.

CIRCULATION OF THE CONSTITUTION.

THE SECRETARY read:

"SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, eighteen hundred and seventy-nine, on such terms as may be reasonable, select and contract with one newspaper proprietor in each county in this State in which a newspaper is published, for the publication and issuance, once a week for two successive weeks next before said election, in their respective papers as a supplement thereto, the printed copies of this Constitution, as hereinafter provided. The circulation of such papers shall be taken into consideration in making such contracts and selection, and the papers so selected shall issue a number of such supplements equal to the circulation of such papers in this State. In counties containing property of an assessable valuation of ten million dollars or over, not more than three such papers may be so selected. The Superintendent of Printing shall cause to be printed and delivered to the newspapers so selected, in due time for publication thereof, a number of such supplements equal to twice the State circulation of such papers. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine; and the Boards of Supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election."

MR. WEBSTER. Mr. President: I offer an amendment.

THE SECRETARY read:

"Strike out all down to and including the word 'papers,' where it occurs in the fifteenth line, and insert the following: 'The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State Printing Office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the Post Office address of each registered voter; provided, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several Postmasters of the State.'"

REMARKS OF MR. WEBSTER.

MR. WEBSTER. Mr. President: It occurs to me, sir, that the plan as adopted by the Committee of the Whole is unsatisfactory. I think, sir, under that plan, under the most favorable circumstances, not more than one half of the qualified voters of this State will receive a copy of this Constitution, while other voters of the State would receive from one to ten, owing to the number of papers that they take through which this Constitution was sent out. Now, sir, the object of this matter is that the greatest number of electors of this State should be informed in regard to the work which we have been doing here. Another point is the cost of this publishing and sending out. I took the trouble to go to the State Printing Office and get a statement from the State Printer in regard to the cost of this work, and I find that the supplements will cost more, or as much at least, as the pamphlets. Now, the plan adopted by the Committee of the Whole provides that the State Printer shall select and contract with a certain number of papers to circulate supplements. Now, sir, we will take three papers which, under this plan, must be selected in San Francisco. The average circulation of these three papers would not be less than twenty thousand each. The Call claims thirty-five thousand. This would make sixty thousand circulation for San Francisco. Take the average of the other sixty-three papers in the State which are to be selected to be one thousand circulation each, including Alameda and Sacramento, and it would make sixty-three thousand additional circulation. Now there would be a sufficient number of supplements furnished to equal twice the State circulation of such papers, which would make the aggregate number to be supplied, at the lowest possible, of two hundred and forty-six thousand supplements. These supplements, according to the estimates of the State Printer will cost eight thousand five hundred and eighty-three dollars. For sending them out through the several papers, there has been different estimates as to what these papers will charge. It is claimed that some of them will do it gratuitously, but the probability is that the rate could not be less than thirty dollars for each; therefore the cost of such circulation would be one thousand nine hundred and eighty dollars, making an aggregate cost of ten thousand five hundred and sixty-three dollars. Now, sir, according to the estimate of the State Printer, for one hundred and fifty thousand copies of this Constitution in pamphlet form, stitched, we have an aggregate cost of seven thousand eight hundred and forty-eight dollars; for mailing, etc., one thousand dollars, making the aggregate eight thousand eight hundred and forty-eight dollars, as against ten thousand five hundred and sixty-three dollars for the supplements—a difference in favor of the pamphlets of one thousand seven hundred and fifteen dollars. The postage on the supplements will be at least equal to the postage on the pamphlets; so that it occurs to me, sir, that it will be much more expeditious and much more satisfactory to have this in pamphlet form than in supplement form, especially when it will cost no more, admitting that the number on the Great Registers of the State equals two hundred thousand. The largest vote polled in this State, which was in eighteen hundred and seventy-six, was one hundred thousand and fifty-five. The vote previous to that was one hundred thousand and twenty-two. But admitting that there are fifty thousand of registered voters in excess of the actual voters, and we have a cost of the pamphlets for two hundred thousand, not greater than the cost of two hundred and forty-six thousand supplements. The trouble with the supplements is that they will not reach more than half the registered voters in the State. Under the plan adopted by the Committee of the Whole, the State Printer has got to enter into negotiations for the purpose of determining what these papers will charge. That will probably consume a month of time. I learn from the State Printer that to print one hundred and fifty thousand pamphlets will take fifteen days, running day and night; and that it will take no additional time to send them out through the mail, because this can be done at the same time the printing is going on. If you print two hundred and forty thousand supplements it will take additional time. Besides, the supplement form would not be convenient to handle and study. It would be torn up a dozen times before it could be completed. If it is in pamphlet form, if the Constitution should be adopted, which we have reason to believe it will be, every qualified voter in the State will have a Constitution in his house, which is subject to his inspection. I think it is not necessary to say anything more upon this subject.

MR. SHAFTER. Mr. President: How is it possible for the State Printer here to know the post office address of every voter in the State? I suppose there is a penalty for opening a package addressed to any person, so that they could not be distributed by postmasters.

MR. WEBSTER. I do not know about the penalty for opening pamphlets, but so far as learning the address of voters is concerned there would be little trouble. The great register gives the precincts, and there are post offices in most of the precincts or townships.

MR. SHAFTER. I do not myself recollect whether there is a penalty affixed to the opening of pamphlets directed to others, but every one will recollect that there are severe penalties for opening letters.

REMARKS OF MR. CAPLES.

MR. CAPLES. Mr. President: I earnestly hope that the amendment of the gentleman from Alameda will be adopted. It is necessary, in fact it is indispensable, that we should advertise the Constitution that we are about to adopt here and place it before the people. The mode presented by the committee is to have supplements printed and have them sent out under contracts with newspaper publishers. Now I submit that this plan is entirely, wholly, and utterly inadequate. There is not only a majority, Mr. President, but there is a vast majority of the voters of California, who do not subscribe for any newspaper. They might see a copy of the Constitution or they might not. The proposition of the gentleman from Alameda is to have it printed in pamphlet form and mailed to every voter in the State. The cost will be little more, if any, and it is the most thorough means of getting the Constitution before the people. It would be worth the money it cost the people of California, because it would be bringing before them a matter that is of vast consequence to them and to the State. It would induce them to take an interest in the politics of the country. It would induce them to inform themselves in regard to the fundamental law of the land, and even if the Constitution should be rejected, it would be worth the money it cost. It is a patent fact that the average voter does not take that interest in public concerns that he should do; that he is not as well informed as he should be in order to discharge wisely the great functions of the elective franchise. Now I can conceive of no method that would be so well calculated to induce the average voter to inform himself as this proposition of sending the Constitution in pamphlet form to every voter in the State. I hope that this amendment will be adopted.

MR. CAMPBELL. Mr. President: So far as the suggestion made by the gentleman from Marin is concerned, it will be observed by reference to the Act of Congress on that subject, that the objection has no force. This clearly would not come, in my judgment, within the meaning of that Act. But if it could, by any possibly strained construction, it would be very easy to indorse in print upon the wrapper: "If not called for

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within ten days, deliver to any person applying for it." That would obviate every possible objection that might remain.

The amendment was adopted.

The amendment of the committee, as amended, was concurred in.

POLL BOOKS.

THE PRESIDENT. The Secretary will read the amendment of section six.

THE SECRETARY read:

"SEC. 6. The Clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the Inspectors of Elections, at each election precinct or polling place in their respective counties, suitable poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; provided, that the duties in this and the preceding section imposed upon the Clerk of the respective counties shall, in the City and County of San Francisco, be performed by the Registrar of Voters for said city and county."

MR. BLACKMER. Mr. President: I move to amend section six as amended in Committee of the Whole, by inserting before the words "poll books," in line four, the word "registers." It is a fact that, in many counties in this State, the registers were all used up at the last election for delegates to this Convention, and unless we make it obligatory upon the Clerks to furnish the Election Board or the Inspectors with registers, there will be a probability of some of the counties being without them at that time and unable to furnish them. I think the amendment will commend itself to the judgment of a majority of this Convention.

The amendment was adopted.

The amendment of the committee as amended was adopted.

CANVASS OF RETURNS.

THE PRESIDENT. The Secretary will read the amendment to section eight.

THE SECRETARY read:

"SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the City and County of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the Board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from day to day until all the returns are received, or until six postponements have been had, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said Boards shall be the same as those prescribed for like Boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said Board shall immediately certify the same, in the usual form, to the Governor of the State of California."

Concurred in.

FUTURE ELECTIONS.

THE PRESIDENT. The Secretary will read the amendment to section ten.

THE SECRETARY read:

"SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the term of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as in this Constitution provided; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law."

MR. MORELAND. Mr. President: I offer an amendment.

THE SECRETARY read:

"Add to section: 'Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that State officers are elected."

MR. MORELAND. Mr. President: That amendment is offered for the purpose of getting around the difficulty of having a special judicial election. It would bring the election at the same time that the other State officers are elected.

The amendment was adopted.

MR. HERRINGTON. Mr. President: I offer an amendment.

THE SECRETARY read:

"Amend section ten as follows: Add at end of section, after the word 'laws,' the following: 'and the first term of all county officers so elected shall commence at the close of the term, now fixed by statute, of their respective predecessors in office.'"

MR. HERRINGTON. Mr. President: The terms of many of the county officers in this State terminate on the fourth of March. As we have provided in the Constitution, the officers to be elected will enter upon their duties in January. It would be an injustice to turn all these gentlemen out of office for even the period of a month and a half or two months, as would be the case in this instance, if these officers enter upon the discharge of their duties in January. Under this provision that injustice may be avoided, and I think it is the duty of this Convention to do so, where it can be done without inconvenience and without lumbering up this instrument.

MR. ROLFE. Mr. President: By the provisions of this Constitution we turn out of office several Supreme Judges, twenty State Senators, and numerous other State officers and all the Judges of the District and County Courts. Now, I do not know as it is any more unjust to turn out of office a County Clerk than it is a County Judge, District Judge, Supreme Judge, or a State Senator, or any other officer. I took occasion here, at a former time, to express my objections to turning men out of office, legislating them into office, any more than we could possibly help. The Convention has adopted another rule, and I say, in the language of my friend from San Francisco, what is sauce for the goose is sauce for the gander.

MR. LARKIN. That amendment would extend the term of office.

MR. ESTEE. You will mix the thing all up.

MR. HERRINGTON. They won't go out of office until the fourth of March.

MR. HAGER. This amendment will not do in the shape it is in. It would carry over the County Judges, too. If it is expedient to extend the term of any officer, like the Assessor, or Tax Collector, let them be named.

The amendment was rejected.

The amendment of the Committee of the Whole was concurred in.

TO TAKE EFFECT.

THE PRESIDENT. The Secretary will read the amendment to section eleven.

THE SECRETARY read:

"SEC. 11. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian."

MR. BEERSTECHER. Mr. President: I hope that an opportunity will be given to amend this article. As the matter now stands, if I understand the reading correctly, the provisions relate merely to officers elected under this Constitution.

THE PRESIDENT. The section is not before the Convention.

MR. BEERSTECHER. I will come around to it. Now, sir, section eleven says that this Constitution shall take effect and be in force on and after the fourth of July, eighteen hundred and seventy-nine. But as far as the election of officers is concerned, this article does not relate to county officers at all. It relates merely to State officers. You fix the terms of county officers, and then you have got to have your county and city elections long after the Constitution went into effect.

MR. ESTEE. That is so. What of it?

MR. BEERSTECHER. Well, we want them all at the same time.

MR. MORELAND. Mr. President: I send up an amendment.

THE SECRETARY read:

"Add to section: 'so far as it relates to the election of the officers named in this Constitution, and those who have been heretofore provided for, and not prohibited or superseded by this Constitution; but as to all other matters and things, the same shall take effect and be in force on the first day of February, eighteen hundred and eighty, at twelve o'clock meridian.'"

RECESS.

The hour having arrived, the Convention took a recess till two o'clock P. M.

AFTERNOON SESSION.

The Convention reassembled at two o'clock P. M., President Hoge in the chair.

Roll called, and quorum present.

SCHEDULE CONTINUED.

THE PRESIDENT. The question is on the amendment of the gentleman from Sonoma, Mr. Moreland.

MR. ESTEE. Mr. President: I offer an amendment to take the place of the amendment of the gentleman, with his consent.

THE SECRETARY read:

"Add at the end of section: 'so far as the same relates to the election of all officers heretofore provided by laws, and who are not named or provided for in this Constitution; and also such officers who are named in this Constitution, the commencement of the terms of officers, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.'"

REMARKS OF MR. ESTEE.

MR. ESTEE. Mr. President: This amendment changes it until the first day of January, eighteen hundred and eighty. That is the shortest period that it is possible to fix for the Constitution to go into effect for all purposes. That is the day of the meeting of the Legislature. The reason for that is this: that we have made changes in the system of taxation and the judiciary system. It will be impossible to make the new Constitution work harmoniously until after the Legislature meets. Something of this kind must be adopted.

THE PRESIDENT. The question is upon adopting the amendment to the amendment offered by the gentleman from San Francisco, Mr. Estee.

Adopted.

MR. VAN DYKE. I wish to offer a new section.

THE PRESIDENT. Not in order at present. The question is upon concurring with the Committee of the Whole in their amendment to section eleven as amended.

Concurred in.

MR. VAN DYKE. Mr. President: I now offer a new section.

A CODE COMMISSION.

THE SECRETARY read:

"Amend by adding the following section: 'SEC. 12. Immediately after the adoption of this Constitution, the Governor shall appoint three persons, learned in the law, as Commissioners, whose duty it shall be to carefully examine the various Codes and general laws of this State,

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be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers, to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election.—[*Amended*, 1862.]

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

ARTICLE X.

MODE OF AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each House, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such convention shall be submitted to the people at a special election, to be provided for by law, for their ratification or rejection: each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be written or printed the words "For the New Constitution," or "Against the New Constitution." The returns of such election shall, in such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.—[*Amended November* 4, 1856.]

Voucher or State Treasurer.

When not claimed, escheats to State.

School Fund.

Repealing clause.

the office of the Treasurer, and shall be to him a voucher for any payments made by him under the provisions of this Act; and in the event that such non-resident foreigner or foreigners do not appear or claim said estate or proceeds, and produce said evidence within said extended term of five years, then said estate or proceeds shall be and become the property of the State, and shall be by the Treasurer of State placed to the credit of the School Fund.

SEC. 2. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

CHAPTER CXVII.

AN ACT

Agreeing to the Proposed Amendments to the Constitution, and Providing for its Submission to the People.

[Approved April 19, 1856.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Preamble.

SECTION 1. The Legislature of the State of California, at its sixth session, commenced on the first day of January, A. D. one thousand eight hundred and fifty-five, having, by the required constitutional majority proposed the amendment hereinafter set forth, and the same having been referred to the present Legislature, and having been published for three months, next preceding the late general election, as required by the Constitution—now, the Legislature of the State of California at its seventh session, commenced on the seventh day of January, A. D. one thousand eight hundred and fifty-six, does hereby agree to, and adopt, as an amendment to the present Constitution of this State, the following: Section two of Article ten, is amended so as to read as follows:

Amendments to Constitution agreed to.

Section two of Article X.

Section 2. And if, at any time, two-thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a Convention, and if it shall appear that a majority of the electors, voting at such election, have voted in favor of calling a Convention, the Legislature shall, at its next session, provide, by law, for calling a Convention, to be holden within six months after the passage of such law; and such Convention shall consist of a number of members, not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such Convention, shall be submitted to the people, at a special election, to be provided for by law, for their ratification or rejection; each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be

written or printed, the words "For the new Constitution," or "Against the new Constitution." The returns of such election shall, in such manner as the Convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer and Secretary of State, and compare the votes so certified to him. If, by such examination, it be ascertained that a majority of the whole number of votes cast at such election, be in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California.

Submitted to people.

SEC. 2. The foregoing proposed amendment to the Constitution, shall be submitted to the people, for their approval and ratification, at the next general election; the vote shall be by ballot, either written or printed, and shall be, "For the proposed amendment to the Constitution," or "Against the proposed amendment to the Constitution."

Ballots how worded.

Return and count of votes.

SEC. 3. The votes shall be counted, and returns thereof be made, in the same manner, and within the same time, to the Secretary of State, as is provided for the canvass and return of votes for Governor and Lieutenant-Governor. Said returns shall, during the next session, commencing on the first Monday in January, A. D. one thousand eight hundred and fifty-seven, be published by the Speaker of the Assembly, in the presence of both Houses, in the same manner that the vote for Governor is published and declared; and if a majority of the votes cast, concerning the aforesaid amendment, are in favor of the same, then such amendment shall, forthwith upon said publishing, become a part of the Constitution, and the Governor shall make proclamation thereof.

Speaker to declare result.

If adopted, Governor to make proclamation.

CHAPTER CXVIII.

AN ACT

Concerning the Records of Yuba County.

[Approved April 19th, 1856.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

County Recorder to transcribe certain books of record.

SECTION 1. The County Recorder of Yuba County is hereby authorized and required, as soon as the same can be conveniently done, to transcribe, in such manner and into such books, as are prescribed by section twelve of the Act entitled "An Act concerning County Recorders," passed March twenty-sixth, eighteen hundred and fifty-one, the following Books of Record in his office of Deeds, Mortgages, Powers of Attorney, and other instruments, namely:

Responsibility of Assessors.

be responsible in all respects, and shall be liable under the general laws relating to County Assessors, where the same is not qualified by the provisions of this Act; and the said Assessors are hereby clothed with the same authority, in their official capacity, as are County Assessors, to the extent of each particular township.

Payment.

SEC. 18. Each Township Assessor shall receive a per diem. to be fixed by the Board of Supervisors, not exceeding three dollars; *provided*, that the Board of Supervisors may limit the number of days to which each Assessor may be allowed for assessing his township; and, *provided*, further, that such compensation shall not exceed one hundred dollars in any township, each year.

Act applicable.

SEC. 19. The provisions of an Act entitled an Act to provide Revenue for the Support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, shall be applicable in all its provisions to the Township Collectors and Assessors, in their respective townships, as in said Act provided for, for County Collectors and Assessors, except wherein said Act conflicts with the provisions of this Act.

Office of County Assessor abolished.

SEC. 20. On and after the first Monday in March, A. D. eighteen hundred and sixty-four, the offices of County Collector and County Assessor, in and for the County of El Dorado, and on and after the first Monday in March, A. D. eighteen hundred and sixty-three, the offices of County Collector and County Assessor, in and for the County of Amador, shall be abolished.

SEC. 21. Constables may be eligible to election for the office of Collector and Assessor in the Counties of El Dorado and Amador.

CHAP. CCCXVII.—*An Act to provide for the submission of the proposed Amendments to the Constitution of the State, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, to the votes of the qualified electors at the next General Election.*

[Approved April 25, 1862.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Advertisement.

SECTION 1. It shall be the duty of the Governor to advertise the proposed Amendments to the Constitution, as proposed by the Legislature of eighteen hundred and sixty-one, and adopted by the Legislature of eighteen hundred and sixty-two, in the same manner as he is now directed, by law, in the case of proclamations and official notices, for the space of three months next preceding the next general election.

Governor to prescribe form of voting.

SEC. 2. The Amendments to each article of the Constitution shall be voted upon separately from the others, in the manner and form prescribed by the Governor, which manner and form shall be printed, with the proposed amendments, and for the

same length of time that they shall be advertised, as provided in section one of this Act.

Canvass of votes.

SEC. 3. The votes cast for and against said proposed amendments shall be canvassed in the same manner as now provided by law in the election of State officers, other than Governor and Lieutenant-Governor, and if it shall appear that a majority of all the votes cast upon the question of such amendment or amendments, at said next general election, are in favor of such amendment or amendments, as a part of the Constitution of the State, then the Governor shall issue his proclamation, declaring such fact, and the said amendment or amendments thus adopted shall become and be a part of the Constitution of this State.

Governor to issue proclamation.

SEC. 4. This Act shall take effect and be in force from and after its passage.

CHAP. CCCXVIII.—*An Act to appropriate Money to the Ladies' Relief Society, and other Benevolent Societies.*

[Approved April 25, 1862.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Appropriation.

SECTION 1. Nine thousand dollars are hereby appropriated, out of any money in the Treasury not otherwise appropriated, as follows: Three thousand dollars to the San Francisco Ladies' Relief Society; three thousand dollars to the San Francisco Samaritan Society; and three thousand dollars to the Howard Benevolent Society, of Sacramento. And the Controller of State is hereby directed to draw his warrant for the aforesaid sums, upon the Treasurer, who is hereby authorized to pay the same.

CHAP. CCCXIX.—*An Act to grant the Right to construct a Turnpike Road, between the Town of Grass Valley, in the County of Nevada, and a point on Bear River, at or near McCourtney's Crossing.*

[Approved April 25, 1862.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Franchise.

SECTION 1. J. R. Rush, together with such associates as he may admit, shall take, have, and enjoy, all the rights, privileges, right of way, franchises, and immunities, hereinafter mentioned, upon condition that he and his associates shall incorporate themselves, under the general laws of the State regulating corporations and providing for the incorporation of turnpike roads, and shall adopt the name of "The Grass Valley and Bear River Turnpike Road Company," and shall abide by and fulfil the further conditions hereinafter mentioned.

Completion. SEC. 3. Said company shall within one year from the passage of this Act commence the construction of said road, and within three years build and complete the same, otherwise the rights herein granted shall be forfeited, and this Act become null and void.

Tolls. SEC. 4. Said company, upon the construction and completion of said road, are hereby authorized and empowered to charge and collect such rates of toll as the Supervisors of Humboldt County shall annually establish; *provided*, that said Board of Supervisors shall not have the power to reduce the rates of toll so as to yield less than twelve per cent per annum on the capital stock of said company; and *provided*, further, that the capital stock shall not exceed fifty thousand dollars.

Right of purchase reserved. SEC. 5. The rights and privileges are hereby granted upon the express condition that the County of Humboldt may through its Board of Supervisors have the right of purchasing said road at the expiration of eight years after its completion, and of being substituted in all the rights and privileges herein granted said company, by paying the sum actually expended in the construction of said road, together with interest at the rate of ten per cent per annum thereon; and for the purpose of ascertaining said cost of construction, the Board of Supervisors of said county shall appoint one referee, the company shall appoint one referee, and the two referees thus appointed shall appoint a third referee, and said referees shall report the cost of said road upon oath; *provided*, the said Board of Supervisors shall not have the right to purchase the said road except for the use and benefit of the county.

SEC. 6. This Act shall take effect and be in force from and after its passage.

CHAP CCLXV.—*An Act to provide for the registration of the citizens of this State, and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise.*

[Approved March 19, 1866.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Books to be provided. SECTION 1. Each of the County Clerks of the several counties of this State, including the City and County of San Francisco, shall, immediately after the passage of this Act, be provided with a suitable book or books, strongly bound, with the necessary ruled columns, and appropriate headings and labels, for the registration, as hereinafter provided, of all the citizens of this State resident in their respective counties, who are, or may be within six months, by reason of continuous residence, legal voters thereof, which book shall be designated, entitled, and known in law as the "Great Register."

duction of a naturalization certificate in due form under the seal of the proper Court, that he has been admitted a citizen of the United States within the period of thirty-five days then next preceding, and shall also prove his residence in the district in the same manner as is required and specified in the preceding subdivision of this section.

Enrolment on poll lists.

SEC. 27. Prior to the first day of July, eighteen hundred and sixty-seven, registration in the Great Register shall not be an indispensable prerequisite to enrolment on the poll lists, but during said interval, persons duly qualified, whether native or naturalized citizens, but not registered as aforesaid, may, nevertheless, be enrolled on the poll lists on producing to the proper Board of Registration the same proof of citizenship as would be required to entitle them to registration in the Great Register, and in making up and completing said poll lists all other provisions of this Act shall be strictly observed, as well before as after said date; *provided*, that registration in the Great Register aforesaid, when existing, as well before as after the said first day of July, eighteen hundred and sixty-seven, shall, until the contrary is proved, be received by the Board of Registration as sufficient evidence that the person registered was, at the time of registration, a citizen of the United States, domiciled in the county.

Same.

SEC. 28. After the first day of July, eighteen hundred and sixty-seven, registration in the Great Register being the only authentic record of domiciliation and citizenship, made upon the prerequisite and proper evidence, presented at the time and in the manner prescribed by law, none but those whose names stand registered and uncancelled upon the Great Register of the county, shall be enrolled upon the poll lists in such county, except only persons naturalized, becoming of age, or coming into the county to reside within thirty-five days next preceding the day of the election for which the poll lists are made up. In all cases, both before and after the said first day of July, eighteen hundred and sixty-seven, persons not registered in the Great Register of the county where they may apply to be enrolled on the poll lists or to vote, shall be required to prove their residence in the proper election district in the same manner as is mentioned and specified in the first subdivision of section twenty-six, and with the same particularity; and if they fall within the first or third exception contained in the first clause of this section, they shall, after the said first day of July, A. D. eighteen hundred and sixty-seven, also be required to produce to the Board of Registration a certified abstract of registration in some other county, given in pursuance of section two of this Act; but if they fall within the second exception contained in said first clause, and claim citizenship by virtue of the naturalization of themselves or of their fathers, they shall be required to produce the certificate of such naturalization in due form as the only evidence thereof.

Voters, and place of voting.

SEC. 29. No person shall be allowed to vote except at the polls held in the election district where he resides; nor unless his name is enrolled on the poll list where he offers his vote in such district, nor for local or representative officers, unless he

Exhibit 7

CONSTITUTION OF THE STATE OF CALIFORNIA.

ADOPTED BY THE CONVENTION, OCTOBER TENTH, EIGHTEEN HUNDRED AND FORTY-NINE; RATIFIED BY THE PEOPLE, NOVEMBER THIRTEENTH, EIGHTEEN HUNDRED AND FORTY-NINE; PROCLAIMED DECEMBER TWENTIETH, EIGHTEEN HUNDRED AND FORTY-NINE; AND AMENDED EIGHTEEN HUNDRED AND SIXTY-TWO.

WE, The People of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people; and they have the right to alter or reform the same, whenever the public good may require it.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed, nor shall cruel or unusual punishments be inflicted, nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses, when the proof is evident or the presumption great.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment, and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep with the consent of Congress in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a Grand Jury; and in any trial in any Court whatever, the party accused shall be allowed to appear and defend in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Exhibit 8

CONSTITUTION

OF THE

STATE OF CALIFORNIA.

ADOPTED IN CONVENTION, AT SACRAMENTO, MARCH THIRD, EIGHTEEN HUNDRED AND SEVENTY-NINE; RATIFIED BY A VOTE OF THE PEOPLE ON WEDNESDAY, MAY SEVENTH, EIGHTEEN HUNDRED AND SEVENTY-NINE.

PREAMBLE AND DECLARATION OF RIGHTS.

PREAMBLE.

We, the People of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution.

ARTICLE I.

DECLARATION OF RIGHTS.

Section 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

Sec. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

Sec. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

Sec. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Sec. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Sec. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned.

Sec. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases, not amounting to felony, by the consent of both parties, expressed in open Court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions, and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open Court.

Sec. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a Magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once a year in each county.

Sec. 9. Every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as

Exhibit 9

Act for the Admission of California Into the Union

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Whereas, the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message date February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

Sec. 2. *And be it further enacted*, That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two representatives in Congress.

Sec. 3. *And be it further enacted*, That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor. *Provided*, That nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State.